THE Public Interest

NUMBER 94, WINTER 1989, PRICE: $4.50

How to Fix the Deficit—Really

Joseph White & Aaron Wildavsky

Slouching Towards Berkeley: Socialism in One City — *Peter Collier & David Horowitz*

A Pro-Family Income Tax — *Allan Carlson*

Notes From Underground: The Failure of Urban Mass Transit — *Peter Gordon & Harry Richardson*

From CCNY to the White House — *Colin L. Powell*

Why Doctors Must Not Kill

Leon R. Kass

WINTER BOOKS SUPPLEMENT

Reviews by *William Lilley III, Michael Novak, Herbert Stein, David Whitman, Chester E. Finn, Jr., John J. DiIulio, Jr., David M. Ifshin, Monica Powell, Louis Winnick,* **and** *William Bradford Reynolds*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE Public Interest

NUMBER 94, WINTER 1989

CONTENTS

How to Fix the Deficit—Really	*Joseph White & Aaron Wildavsky*	3
Neither for Love nor Money: Why Doctors Must Not Kill	*Leon R. Kass*	25
Slouching Towards Berkeley: Socialism in One City	*Peter Collier & David Horowitz*	47
A Pro-Family Income Tax	*Allan Carlson*	69
Notes from Underground: The Failure of Urban Mass Transit	*Peter Gordon & Harry Richardson*	77
Reflections From CCNY to the White House	*Colin L. Powell*	87
Winter Books Supplement	*Contents*	91
Contributors		46

THE PUBLIC INTEREST (ISSN-0033-3557) is published quarterly by National Affairs, Inc. and appears in Spring, Summer, Fall, and Winter issues. Its office of publication is located at 1112 16th Street, N.W., Suite 530, Washington, DC 20036. Subscription price: $18.00 for one year; $31.50 for two years, $45.00 for three years. Add $2.00 annually for Canadian and foreign subscriptions. Unsolicited material cannot be returned unless accompanied by sufficient return postage. Second-class postage is paid at Washington and at additional mailing offices. ©1989 by National Affairs, Inc. Postmaster: Please send all changes of address to *The Public Interest* Subscription Dept., P.O. Box 3000, Dept. PI, Denville, NJ 07834.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Editors
Irving Kristol and Nathan Glazer

Publisher
Warren Demian Manshel

Publication Committee
Martin Feldstein
Harry Kahn
H. J. Kaplan
Glenn C. Loury
Harry McPherson
Daniel P. Moynihan
Leo Rosten
Martin E. Segal
Stanley Simon
Arthur L. Singer, Jr.
Roger Starr
James Q. Wilson

Managing Editor
Joel Schwartz

Assistant Managing Editor
Monica Powell

Assistant Editors
Caleb Nelson
Philip J. Costopoulos

Assistant to the Editors
Deborah Barrass

Associate Editor
Daniel Casse

Editorial Office
1112 16th Street, N.W., Suite 530
Washington, DC 20036

Subscription Department
The Public Interest
30 Broad Street
Denville, NJ 07834

Newsstand Distributor
Bernhard DeBoer, Inc.
113 Centre St., Nutley, NJ 07110

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

How to fix the deficit—really

JOSEPH WHITE & AARON WILDAVSKY

AMERICAN POLITICS in the 1980s has been dominated by Ronald Reagan and federal budget deficits. Reagan is gone now, but the deficit remains. The new President and old Congress have many objectives and concerns, articulated in the electoral campaign; yet the national press resounds with calls for action on the "real problem" which must be solved before all others—the federal deficit.

A balanced budget is seemingly a reasonable goal, though we can remember when some viewed the belief in its necessity as a kind of superstition. Today's clamor about the deficit, however, is dangerously abstract, in that insufficient consideration is given to the deficit's causes, its political context, and the policy consequences of action taken to eliminate it. To raise this concern is not to highlight mere circumstances of little relevance to a balanced budget's overall desirability; for "circumstances," in Edmund Burke's words, "are what render every civil and political scheme noxious or beneficial to mankind." We urge some deficit reduction, but judge that

This essay is based upon the authors' The Deficit and the Public Interest *(University of California Press, forthcoming, 1989), a study of deficit politics during the 1980s. We would like to thank Lawrence J. Haas, Robert Katzmann, Larry Malkin, Robert D. Reischauer, Peter Skerry, Andrew Sobel, and Eugene Smolensky for commenting on earlier drafts. They bear responsibility only for the parts that they convinced us to improve.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

under current circumstances efforts to balance the budget, particularly in line with Gramm-Rudman targets, would do more harm than good.

Every year in this decade has begun with panic about the deficit. From the inflation and bond-market slump of 1980 to the stock-market crash and budget summit of 1987, the deficit—like anti-communism in the 1950s or civil rights in the 1960s—has been *the* issue that shaped debate on all other issues. Aid to the Aquino government abroad and for the homeless in our cities; "star wars" and the "war" on drug abuse; welfare reform, medical care, and defense policy—all have been affected by the deficit dilemma. From inflation to unemployment to high interest rates to the trade deficit, from the strong dollar to the weak dollar, every economic ill has been blamed on the deficit. Strife over the deficit has affected procedure as well as policy, monopolizing the congressional agenda, encouraging paralyzing and deceptive legislation like Gramm-Rudman, frustrating our public officials, and stalemating the government.

All political factions have been hamstrung by the deficit, yet they have increased the pressure on themselves by using the deficit to attack one another. Liberals, who were unable to enact their social programs because of a shortage of funds, claimed that prosperity under Ronald Reagan was bought on credit, to be charged to our grandchildren. Conservatives, who saw the military build-up come to an end during Reagan's first term and witnessed a series of business-tax hikes, blamed the deficit and the legacy of liberal profligacy for these ills. Centrists, who saw the deficit as a sign of the government's inability to control itself, accused everyone, including themselves, of cowering before "special interests."

The various factions have embroiled themselves in a sad cycle of mutual denunciation, frustration, and still more denunciation. In the course of that cycle, virtually all participants in public debate—from the most unabashed political partisans to the supposedly rational calculators in the financial markets and the voices of "responsible opinion" in the press and academe—have lost their sense of proportion.

The deficit is a problem. Given the intensity of demands for a "solution," it is probably the first problem the new administration should address. But it is not the overwhelming crisis that common discussion suggests, nor is it a disaster next to which all else pales into insignificance. Exaggerating its evil only makes solving the problem more difficult.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

An uncommon approach

We write to suggest an uncommon approach to the deficit: it should be viewed as a policy problem like any other. We should determine what harm the deficit really does, and then consider the costs of various solutions, to decide whether those costs justify the benefits of deficit reduction. Looking at the deficit this way, we have reached the following conclusions:

1) There is no economic necessity to balance the budget within the next five years. We conclude this not from sympathy for supply-side, left-Keynesian, monetarist, or any other economics that downplays the deficit's importance, but because *mainstream* economics provides no reason for believing that deficits of 1 or 2 percent of GNP should cause panic. In this sense the difficulty is easier to overcome than it seems.

2) The deficit persists not because of a lack of political "courage," but because politicians and the public correctly judge that serious efforts to reduce it—whether through tax hikes or drastic spending cuts—will themselves seriously harm the general welfare. When pundits speak of "hard choices" to reduce the deficit, they should appreciate what this implies: choices are hard because there are evils on both sides, and therefore the choice to reduce the deficit is *itself* more difficult than anyone seems willing to admit.

3) The political strategies followed by the most vocal advocates of "responsible" budgeting are misguided and self-defeating. By overstating the deficit's importance they misunderstand the resistance they encounter. By setting too high a goal they define anything else as failure, making ameliorative action less likely.

4) If any crisis requires quick action on the deficit, it is a crisis of confidence within international financial markets and, more important, the finance ministries and central banks of our major trading partners. To relieve such worries, America need not balance the budget. Instead, the government need only show that it can reduce the deficit to a tolerable level. The government can show its strength in two ways: by adopting a policy it can actually carry out, and by insisting that it will not change course in response to criticism. The confidence of others depends on our government's confidence in itself.

5) For all these reasons, our government should redefine the deficit problem and adopt a policy to fit that definition. It should announce a two-year package of $50 billion in tax hikes and/or spending cuts. Under the assumptions of the most recent Congressional Budget Office (CBO) forecast, the resulting deficit in Fiscal

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Year 1991 (FY91) would be 1.3 percent of GNP. Under more pessimistic assumptions it would be about 2.3 percent. Either level should satisfy our allies. The government should specify that it will enact these changes in 1989, and that if the economy's fluctuations cause subsequent deficits to be either above or below projections, the government will not change policy in order to attain some arbitrary deficit total. Thus America should declare that it will no longer be held hostage to a wrong-headed fixation on nominal deficit totals. The nation's leaders should make clear that a $50-billion reduction is a significant policy change. They could offer politicians what nobody has offered since 1982: a settlement of the budget wars.

Our proposal will not satisfy everyone, since some believe that any deficit makes for too much government, while others advocate surpluses to increase national savings. But if the deficit were reduced as much as we suggest, the press and politicians who embody conventional wisdom should cease to fixate on the deficit as a sign of political and economic doom.

It is time to bring some balance to discussion of the budget.

The origins of the problem

Many people think that Ronald Reagan brought the deficit problem to Washington with him, and hence that Washington can solve it now that he has gone. It is thought that a reasonable President, without ideological blinders about taxes and defense, can work together with Congress to make the tough choices. This view has an element of truth. Ronald Reagan chose not to elevate the deficit above other concerns. He preferred a stronger military and larger deficit to less of each. Reagan proposed larger defense increases and tax cuts than did his opponents. As the world headed into the 1981-82 recession, with its attendant deficits, the U.S., unlike other major nations, was increasing spending and cutting taxes, thereby making the deficit worse.

This element of truth is combined, however, with a larger error. The defense buildup began in 1980, before Reagan's election, after the Soviets occupied Afghanistan and Americans were taken hostage in Iran. Ronald Reagan cut social spending more than his opponents would have, though less than he wished. Taxes in 1980 had risen to a post-World War II high; most politicians expected a tax cut. The difference in revenue loss between Republican and Democratic tax plans in 1981 was less significant than the common failure to anticipate the revenue losses from the recession and the attendant collapse of inflation. These facts all imply that large deficits would have

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

occurred even without Ronald Reagan. Most important, a panic about deficits preceded Ronald Reagan to Washington. In 1980 the bond markets collapsed, while economists and commentators across the political spectrum demanded that President Carter remake his budget so that it would balance. Otherwise, it was thought, the nation would be helpless against galloping inflation. Carter and congressional Democrats negotiated a budget and invented new congressional procedures to enforce the spending cuts and tax hikes. In the process, the Democratic party abandoned its traditional emphasis on poverty relief and jobs, responding instead to the markets' supposed need for reassurance about fiscal soundness. No issue could be more pervasive than the deficit was in 1980.

The uncertain effects of the deficit

February 1980 and October 1987 had much in common: a market crash, panic about deficits, and discussions between the administration and Congress that yielded an agreement swiftly condemned by opinion leaders as inadequate. Two differences stand out, though. In 1987, by 1980's standards, there was hardly any inflation. The CPI rose at an annual rate of 4.9 percent in October 1987 and was up 4.4 percent for the year, compared to rates of 18 percent in February 1980 and 12.4 percent for the whole year. And in 1980, by 1987's standards, there was no deficit: Jimmy Carter's January 1980 budget proposed a deficit of $15.6 billion.

The contrast is ironic and instructive. When the deficit panic began, it was due to the deficit's supposed inflationary effect. When the deficit burgeoned and inflation shrank, however, the panic did not decline. One can, of course, say that inflation subsided because of the Federal Reserve's tight monetary policy. But if so, why did inflation not return with the unprecedented deficits of the recovery? Nobody really knows, and politically it does not matter. As Herbert Stein put it, budget deficits cause bad things, so whatever bad things are happening are blamed on deficits. In 1980 the deficit was blamed for inflation, and in 1982 for high interest rates and unemployment. By 1985 the deficit was said to cause the trade deficit, high real interest rates, an unbalanced recovery, and the strong dollar. In 1987 it was blamed for the stock-market crash (though for almost all of 1988 the market was at higher levels than in any year in history other than 1987), the trade deficit, and the weak dollar. The evolution of its supposed evils suggests that the massive disapproval of deficits has been supported by no consistent logic of cause and effect. The cause is constant but the alleged effects keep changing.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

We do not claim that the deficit is irrelevant or advantageous, but common rhetoric about its evils is overstated. Rising unemployment would at once be blamed on the deficit. Continuously falling unemployment—which reached a fourteen-year low in July 1988—is seen as a sure sign that inflation (due to the deficit) will follow. Stylish headlines abound, all variants of "Economy Improves; Markets Panic." Lower consumer spending and higher savings cause recession; higher consumer spending causes inflation, trade deficits, and lack of investment. If all news is bad news, maybe we can blame that too on the deficit.

How politicians have reacted

Responding to and sharing this widespread dread of the deficit, our politicians have taken significant action, even while condemning their own irresponsibility. Since 1982 Congress has opposed a series of special interests, ranging from doctors to defense contractors. You don't take on the AMA (by freezing Medicare payments to physicians), Wall Street (by enacting the 1984 tax bill), or the armed services and arms manufacturers (by cutting defense in the past four years) unless you really do care about the deficit. In fact, John Palmer's careful analysis of policy changes from 1982 through 1986 estimates that the politicians have reduced the FY86 deficit by $162 billion, or 3.9 percent of GNP, from what it would have been if the policies of 1981 had been left in place.

One can argue that reducing deficit projections by forgoing much of the planned defense buildup, as happened, was relatively easy. It still was a tough choice for the moderate Republicans and conservative Democrats who tipped the balance after 1982. Unfortunately for our politicians, the problem was just too big, always bigger than it seemed. Palmer reports that under the policies of 1981 the deficit in FY86 would have been $370 billion, or 8.8 percent of GNP. Nobody knew the problem was so big; to David Stockman, "$200 billion deficits as far as the eye can see" were a horrible enough prospect. The CBO's summaries of each year's efforts show that Congress was swimming upstream. Each year's policy change was balanced by revisions in the economic and technical assumptions, so the deficit kept ending up around $200 billion. Since they were not getting anywhere, politicians came to believe they were not doing anything.

To the sheer immensity of the task must be added the effects of political dissensus. Many of us can think of ways to reduce the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

deficit substantially. Ronald Reagan would gladly get rid of much of the welfare state. Jesse Jackson would lop off much of the defense budget and soak the rich. Assembling a majority behind any scheme, however, is more difficult, because anything we do will change our government's size, shape, and role in society. The participants in budgeting agree on everything—except how much revenue should be raised and who should pay, how much should be spent and on which programs. The budget is about the future shape of government and society, not just fiscal responsibility; whether we balance it at low or high levels of spending makes a difference for our future.

Although American political activists and citizens agree that the deficit is bad, it is a no-win issue. The presidential primaries showed that any candidate who proposed a real solution would lose more votes than he would gain. On the Democratic side, former Arizona governor Bruce Babbitt challenged his opponents to stand up for a tax hike. His opponents stayed in their chairs, and applause from journalists and commentators couldn't keep Babbitt in the race. Among the Republicans, Vice President Bush rebounded from his Iowa defeat by charging that Senator Dole's opposition to tax increases was suspiciously unenthusiastic. Bush promised to attack the deficit with vetoes (ignoring the fact that most spending can't be vetoed) and a "flexible freeze" (an obvious oxymoron). Michael Dukakis emphasized his experience balancing budgets as a governor. Having increased revenues through stricter enforcement in Massachusetts, Dukakis said he would try the same trick before raising taxes. No pain, except for the bad guys; but not much gain either, as past experience makes clear. Neither candidate said anything serious about the deficit during the electoral campaign.

Perhaps the candidates were just hiding their budget plans until after the election. But politicians who worried about the 1988 election will also worry about 1990 and 1992. Deficit-cutting strategists wished for a fairy godmother who could give them a magic deficit-reducing potion. They even tried to create such a creature as part of the 1987 "budget summit" agreement: the National Economic Commission (NEC), a bipartisan group modeled on the Greenspan Commission that assured the solvency of the Social Security system. Sometime between December 1988 and September (the date seems to be slipping as we write) 1989, this group of (politically) wise men is supposed to propose a budget solution. Like the Greenspan Commission, the NEC has first-rate staff and wide political experience. Yet the former almost failed, and the NEC's task is far more difficult.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Unlike the budget deficit, a Social Security shortfall presented an immediate and unquestionable evil: no checks (or reduced ones) in the mail on July 1, 1983. The Social Security problem, moreover, was much smaller, requiring only about $20 billion per year, and it also involved far fewer dimensions and crosscutting ideological choices. Though Ronald Reagan and a few allies would have liked to privatize the system, there was overwhelming support for the existing structure. The goal was to maintain the existing set of popular commitments, not to decide which set of commitments to break. The Greenspan Commission could also use accounting tricks—moving money from general revenues to the trust-fund accounts—that cannot help reduce the unified budget deficit. The NEC must do much more about a problem with no deadline, less tractable numbers, and far greater political divisions; the cases simply are not comparable.

Confronting budget reality

The August 1988 Congressional Budget Office forecast predicted that the deficit will decline from $155 billion in FY88 to $121 billion in FY93. The Balanced Budget Reaffirmation Act of 1987, otherwise known as the new Gramm-Rudman, requires that the deficit be eliminated by FY93. The Commission cannot get from the forecast to the targets without proposing drastic changes in national policy.

Worse yet, the forecast might be too optimistic. The CBO projected moderate economic growth, around 2.3 percent per year, after a surprisingly good FY88 (4.4 percent). That projection fits historical trends over five-year periods, but it could easily be wrong. Perhaps it was too pessimistic, but there are two reasons to think not. First, the CBO was predicting, in essence, that the economy will perform near its productive potential. That leaves little room for improvement, and if the deficit is such a bad thing, something bad must eventually happen to the economy. Otherwise there would be no reason to reduce it.

Second, the government will need substantial restraint simply to meet the base line of current real spending, never mind cutting below it. For a number of relatively new federal programs—control of the AIDS epidemic and drug traffic, development of a NASA space station, modernization of the air-traffic control system—contemplated expenses will rise well above the base line. Some of these programs may be eliminated—the space station has already come under attack—but doing so would involve a major policy battle.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The defense base line in particular poses brutal problems. There is no way to maintain the existing military force structure over the next five years without real growth in military spending. That force structure might, some argue, be reduced without diminishing military capability. A 600-ship navy might not be necessary; some hardware, like the Bradley armored vehicle, might work so poorly that it should be abandoned; the country's nuclear deterrent might require neither a rail-mobile MX missile nor the single-warhead Midgetman missile. But all these claims are debatable. It is obvious that tough choices are required just to keep to the base line, which helps explain why Michael Dukakis proposed no greater restraint on defense spending.

Let us be optimistic, however, and say that the base line is reasonable. What do we have to do to eliminate a $121-billion deficit in FY93? If we act quickly we need do less, because the less we borrow now, the less interest we owe later. Yet most economists would argue that too much done too fast might bring on a recession. Ignoring that complication, and allowing for the delays required to implement spending cuts and revenue increases, we estimate that the new Congress could meet the Gramm-Rudman target only if it cut $100 billion from the budget upon taking office.

One hundred billion dollars is roughly the budget of the U.S. Navy. It is larger than the combined budgets of Medicaid, the Department of Education, the National Institutes of Health, the Department of Justice, the Department of State, and the Federal Highway Administration. That's the scale of policy change required to eliminate the deficit through spending cuts.

We might get our $100 billion from taxes. Individual income taxes would have to be raised by 21 percent, almost completely reversing the 1981 tax cut. Or we could raise individual income taxes by 10 percent, corporate taxes by 20 percent, and excise taxes by 100 percent. Even the most dedicated fan of the public sector can imagine the political difficulty of enacting such tax hikes. Instead one might try a "balanced" package, perhaps by raising income taxes ten percent, cutting the Navy twenty percent (pick a fleet!), and abolishing Medicaid. That sounds no easier.

Unpleasant alternatives

There are, of course, many more narrow options for deficit reduction. Each year the CBO produces a compendium of alternatives; the March 1988 edition included 130 suggestions. Many of these, such as canceling procurement of the F-15 fighter jet or creat-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing a national value-added tax, are highly controversial. Others, more obscure, may sound less troublesome. For example, counting payments made under the Low-Income Home Energy Assistance Program (LIHEAP) as part of income in determining eligibility and benefit levels for AFDC and food stamps would save $115 million in FY90. It would address the problem that some recipients of LIHEAP are better off monetarily than nonrecipients who actually earn more. But the change would penalize families whose energy bills are particularly large, exactly those whom the program is supposed to help. Are they to shower in the dark, or move south? Even the more harmless-sounding proposals turn out to have thorns.

These examples give new meaning to the common call for "tough choices." Politicians and commentators often try to hide these choices by talking about cutting the deficit in stages: $30 billion one year, $30 billion the next year, and so on. The Reagan administration did that with its "magic asterisk," so it could promise a balanced budget back in 1981. Gramm-Rudman is another version of the same (self-)deception. Cutting in stages doesn't change the policy stakes. Indeed, these stakes are smallest when the cuts are all made at once, because that approach minimizes interest payments. As our examples show, spending cuts or tax increases large enough to balance the budget would substantially change the relationship between our government and our society. There is no "free lunch" of harmless deficit reductions. Choices are tough because the consequences either way are unpalatable. A politician who wants neither to slash funds for Medicaid, education, the infrastructure, or defense nor to raise income taxes more than they have ever been raised in peacetime is not showing mendacity or cowardice; he is making a reasonable choice about the national interest.

In the most informed and careful budget-reduction proposal we have seen, Rudolph Penner and Joseph Minarik, accurately self-described as "two economists not far from the center of the ideological spectrum," admit that they "can arrive at a balanced budget only with some fairly radical—and many people would say politically implausible—changes in tax and spending policy." They suggest taxing Social Security benefits, de-emphasizing naval "forward deployment" in the European theater, cutting payments to Medicare providers by $10 billion and raising recipients' premiums by $5 billion, somehow (they're not sure how) chopping farm-price supports, and taking a "draconian approach" to intergovernmental grants "and other dubious federal government activities." They would double cigarette and hard-liquor taxes, raise beer and wine

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

taxes, and raise the motor-fuels tax by twelve cents a gallon (changing its meaning by not using the extra money for roads). They would adopt a large menu of "base-broadening" measures on the income tax, such as cutting business deductions for entertainment and meals in half, taxing accrued capital gains, and capping the mortgage-interest deduction. We can only agree with their own assessment: their figures add up, but the proposal is unlikely ever to be implemented.

The strongest proponents of a balanced budget are politicians of the center, such as Senators Dole, Domenici, Chiles, and Hollings. Throughout the budget battles of the 1980s, these politicians, supported by much of the nation's press, have called for deficit reductions in which all Americans would pay their fair share, sacrificing equally: a "three-legged stool" of defense-spending cuts, domestic-spending cuts, and revenue increases. It hasn't happened, and it is crucial that everybody understand why: while the benefits of deficit reduction are long-term and dubious, the costs are short-term and obvious, so that any group that pays its share will feel like a loser. When everybody feels like a loser, nobody supports the package.

In fact, despite calls for fair deficit reductions, the packages that pass have focused largely on particular groups. Reagan's budget package in 1981 hit the (mostly urban, mostly working) poor. The 1982 and 1984 packages focused on corporations. Since then the military has borne the brunt of spending cuts: its funding has been cut in real dollars and, far more substantially, from its plans and expectations. If the packages had been more fair, attacking more interests or changing more policies, they would have received fewer votes. Republicans avoided attacking more southern and rural programs in 1981 in order to keep the support of southern Democratic "boll weevils." In 1982 Senator Dole and his allies, who pushed the deficit-reducing Tax Equity and Fiscal Responsibility Act through Congress, retreated from welfare-program cuts lest House liberals defect from the coalition.

This focus on particular groups occurred only partly because of their (or their allies') veto powers. The groups involved were not chosen at random. In each case there was a sense that benefits to the relevant group had been expanded recently and thus that the group's title to its benefits was weak. Each group was also easily stigmatized within American political demonology. In short, the cuts could be made because they seemed defensible in their own terms, regardless of the deficit. When cuts became more dubious in their own terms, politicians changed their minds. Thus, when the recession hit, and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

later when poverty statistics worsened, Republican leaders of the Senate decided that even the deficit did not justify further attacks on programs beneficial to poor people. A similar dynamic is developing in regard to the military; after a period in which the congressional center was glad to zap the Reagan era's big spending winner, especially given reports of scandal, there is now little support for more big spending cuts.

The policy costs of balancing the budget are important not just to the "special interests," whose concerns are supposedly illegitimate compared to the "public interest" in deficit reduction. The costs involve the kind of government and society we wish to have. The Navy is the special interest of those who serve in it or sell to it. Social Security is a special interest of the elderly. Yet funding them adequately reflects policy choices that define the nation—as the world's greatest sea power, and as a community that tries to guarantee its citizens a decent old age. Whether the national interest is served by cutting such programs to eliminate the deficit is unclear. Politics is about debating such questions, not assuming their answer.

After eight years we have run out of areas where the policy consequences of cuts can be denied, or the victims dismissed as people about whom the nation cares little. If the macroeconomic reasons for deficit reduction are dubious, and both the policy and political obstacles are becoming steadily more severe, then why eliminate the deficit?

The deficit does matter

Economic arguments about the deficit have been inconsistent and, given experience, unconvincing. Since the political debate that shapes economic policy is a process of persuasion, even well-known economists sometimes overstate their arguments in order to push the policy they desire. Excessive condemnation of the deficit has proceeded, in part, from such experts exaggerating lest they be ignored by politicians worried about other matters or willing to believe the minority of economists who dismiss the deficit's importance.

We disagree both with those who say that deficits do not matter and those who exaggerate how much they matter. Some supply-siders have argued both that deficits are unimportant and that they weren't to blame for them. They never claimed the 1981 tax cuts would raise revenues (though they didn't argue when President Reagan said so); nor did the supply-siders strangle the money supply, driving down the price level so fast that extra revenue from bracket creep was lost. But if the deficit presents no danger, why do

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

they try to escape blame? Even if the supply-siders didn't anticipate extra revenues, they still projected high economic growth despite a monetary squeeze. That error is serious enough.

Keynesian Robert Eisner argues that the government's deficit, like a corporation's, should be measured by the ratio of its assets to its liabilities. By that standard, since inflation eroded liabilities in the 1970s, the deficits haven't been so big after all. It is true that serious questions can be raised about whether the unified budget deficit measures the government's impact on credit markets, or indeed any other economic variable. Nevertheless, the government is not a business firm; it can't sell its assets. Eisner's assumption that economic behavior is shaped by portfolio values rather than incomes is also more elegant than believable.

A growing school of left-wing economists claims that economic growth requires greater demand, so reducing demand to reduce the deficit will not help. Turning the supply side on its head has its attractions, but it is hard to believe that a nation that is currently buying $150 billion more per year than it produces isn't consuming enough.

In the end, none of these arguments is persuasive. Although the deficit may not cause inflation or recession, a weak dollar or a strong dollar, reasons for concern remain.

The impact on government and income distribution

The deficit feeds the interest costs of the federal government. More and more of the federal dollar services our debt. Not only does this trend further enrich the wealthy who buy the bonds, it also means that less and less of the government's income finances its social programs. Net interest payments roughly equaled the deficit in FY88. By FY93, according to the CBO's August 1988 forecast, interest payments of $198 billion will exceed the deficit by $77 billion. Taxpayers will be paying interest to creditors, redistributing income the wrong way. Meanwhile, deficits cripple the federal government's attempts to improve society.

This is the liberal Democratic objection to the deficit. It is Jesse Jackson's objection, and Andrew Jackson would have opposed borrowing for similar reasons. Jesse Jackson's solution—to cut military spending and tax the rich—fits his definition of the problem. But it will not be endorsed by either the political establishment or the public. Unless the problem is resolved in his way, though, he and other liberals may not find another solution attractive. Social-spending cuts or a value-added tax (as proposed by part of the busi-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ness community) will not contribute to distributional equity. Many Democrats fear that the deficit crowds out social-program initiatives, now and in the future. Giving up programs now, however, for programs they might not get later will surely strike them as a bad bargain.

The deficit and savings

A second argument holds that the budget must be balanced to increase national savings. Virtually all mainstream economists agree that the American economy has grown too slowly in the past two decades. They claim that this is because productivity has also grown too slowly; more productivity requires more investment; investment requires savings; the United States saves less than its major competitors, particularly Japan; government deficits, by definition, reduce national savings. Since our growth was too slow even before the era of big deficits, we must now increase our level of savings dramatically. To do so, we must achieve a budget surplus.

This savings argument is what chiefly leads academic economists to object to the deficit. How much should be saved? The most common answer is the amount of the Social Security surplus, though there are various modifications of that standard. The complexities of implementation are passed over by arguing that the form of savings does not matter. In any case the extra economic growth produced by increased savings would enable the next generation to pay for the baby boomers' retirement more easily.

Leaving aside the question of how Social Security should be financed, the attempt to promote economic growth through savings sounds plausible. Still, we have a few questions.

If investment is so strongly related to productivity growth, why did growth decrease during the 1960s and 1970s, while investment remained steady? In fact, most studies show that technological advances are far more important.

Growth is a long-term problem, not a short-term crisis: Why then does it require immediate and drastic changes in the entire federal government, rather than a slow movement toward less consumption and more investment throughout our economy?

Given that federal spending accounts for only about 22 percent of the economy, why is the federal government alone supposed to solve the national-savings problem?

Could a fall-off in savings be due to other factors, such as changes in the life cycle (e.g., baby boomers spending more on education,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

housing, and children, therefore temporarily saving less) or stock-market increases that make people feel richer?

By the CBO's projections, excluding Social Security, the deficit in FY93 would be $220 billion. To reduce the deficit by that amount would require, in FY93, nearly a 40-percent increase in income-tax receipts, or a 33-percent cut in all discretionary defense and domestic spending. Does anyone think we can do that?

Even assuming we could think of policy changes to get to this savings nirvana, how, exactly, are we to manage the transition without at some point decreasing demand enough to propel the economy into recession, which would not do much for either the deficit or long-term growth?

It is hard to imagine satisfying answers to all these questions. The economists' argument for increasing savings seems harmless on its face, but in fact it is radical enough to satisfy the most dedicated bomb-thrower. It requires us to take drastic action now in return for benefits in the far distant future that are predicted by firmly held theory. This is not unlike bombing hamlets in order to save them.

Saving, surely, is a good thing (though at times it has been too much of a good thing). But to sacrifice many other good things on the altar of savings is the act of a zealot. Even if all other things are not quite equal, we would like to increase the nation's investment. But that is a very long-term concern; even if we were to agree that the federal government should increase national savings, it makes little difference whether the budget reaches some desired state in five or eight or ten years. The savings argument therefore does not justify a demand that the federal budget be balanced by 1993. It does argue for lower deficits, but it tells us little about how much lower, how quickly.

The deficit and the markets

That leaves one more reason, at once the most compelling and the most bizarre: if we don't balance the budget, the financial markets will panic, and the resulting crash will create a massive, world-wide depression. Post-election pressures for deficit reduction are based on just such an argument.

At one level this argument suggests that what matters is not the true meaning of economic variables but rather what investors *think* they mean. This conclusion was behind the panic about deficits and inflation in 1980. Alice Rivlin, Director of the Congressional Budget Office, and Paul Volcker, Chairman of the Federal Reserve, both

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

stated that the difference between a $15-billion deficit and a balanced budget should have little impact on inflation. Yet both endorsed balance on the grounds that it would calm panicky financial markets, which were then demanding ever-higher interest rates.

In some ways this argument is irrefutable. Mass delusion can occur; people act on their beliefs, and if they believe foolish things, they may do foolish things. The trouble with "expectations" is that they are hard to predict. David Stockman argued in 1981 that the markets would love Reaganomics so much that they would respond to its enactment with an investment boom that would prevent a recession. Oops. Martin Feldstein argued that expectations about deficits would inhibit the recovery. Oops, again.

Policy should not be based on notions of market expectations. We don't know what markets "expect." Certainly we can't assume that markets "think" (if they do) like an economist. For example, the dollar's steady rise during Reagan's first term cannot simply be ascribed to high U.S. interest rates. We were, after all, running high trade deficits, which ought to have caused the dollar to fall. Large budget and trade deficits do not normally increase the value of a currency. For some reason, perhaps fear of conditions elsewhere or affection for Ronald Reagan, foreigners (and Americans) went against the historic pattern under such conditions and shifted holdings into America and its dollar. Just as investors fled the franc when the socialist François Mitterand was elected president of France, they bought dollars when America was governed by the hyper-capitalist Reagan. You put your money where you trust the government. This may be rational, but it has nothing to do with inflation, interest rates, or other measurable economic variables.

Nobody knows why markets go in any particular direction at any time. If people knew, they would all be rich. There are tendencies, and explanations that seem obvious in retrospect, but markets are panicky, neurotic, swayed by a million forces we don't understand.

The markets' supposed spokesmen claimed that a $15-billion deficit would create hyperinflation; when the government ran deficits of more than that a month, the markets skyrocketed. If the journalistic explanations are correct, market behavior has tenuous connection to reality. Thus a slightly higher monthly trade deficit than expected was blamed for the October 1987 crash—a rather extreme reaction. As we write, the currency markets are supposedly worried that President Bush will not reduce the deficit—though why they had more reason to worry on November 9 than November 7 is un-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

clear. We simply have no reason to believe that markets behave according to the rationales advanced by the gurus—or any rationale. That makes policy geared to "expectations," rather than economic fundamentals, unwise. Of course the markets could panic, and if they do the results will surely be blamed, justly or not, on the deficit. But they might panic at any level of deficit; our government cannot adjust its policy to such unpredictable forces.

A more reasonable reason

If we focus, however, not on the expectations of a vast array of players but on real variables and a small group of policymakers, the concern with "the markets," particularly the flows of foreign capital, can be recast more reasonably. First, a key variable: there are many dollars, offshore and onshore, controlled by nervous international investors. Particularly in 1987, foreign central banks came to maintain the value of the dollar, either directly through buying dollars or indirectly by encouraging their private financial institutions to continue investing in the U.S. In recent years a substantial portion of our funds for national consumption and investment —roughly the size of our budget and trade deficits—has been loaned to us by foreigners. If they were suddenly to withdraw those ongoing loans, our interest rates might spiral upwards to attract the money back; the dollar might plummet, thereby increasing inflation through the price of imports, and perhaps even driving the OPEC cartel back together; any number of other nasty scenarios could occur.

These central banks and their governments are the important players. They naturally do not desire a doomsday scenario, but they don't want to be alone in fighting it, and they cannot buy dollars forever if nobody else in their countries wants them. They want at least to believe that the U.S. government is doing what it can to reduce its trade deficit. That, to these bankers, requires reductions in the federal deficit.

In this context George Bush has an insoluble problem: he is not Ronald Reagan. He will not benefit from the kind of capitalist faith that caused foreign investors to give Reagan the benefit of the doubt. Foreign central bankers and finance ministers will need to be shown that the new government can take part in the delicate international tightrope act—managing the dollar's decline and adjusting national policies to each other—that has been proceeding since the October 1985 "Plaza Agreement" among the major powers' finance ministers.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The new President has to show he can achieve some measure of deficit reduction, to satisfy a fairly small group of leaders of foreign economies. How much must he achieve?

Here economists who worry about savings become doubly dangerous. By setting a politically impossible standard, they tell foreign bankers that anything less is proof of the government's weakness, and thereby increase the risk that those bankers will see us as an unreliable partner. In reality, there is no right answer, no level of federal deficit that is clearly related to some acceptable level of trade deficit, and no clearly correct level of trade deficit. It is not at all clear that we must balance our trade—first because the dollar is the world's currency and some increase in foreign holdings of it may be healthy, and second because somebody must run a trade deficit, and it will not be the Japanese, the newly industrializing countries that are trying to grow with exports, or the Arabs. Prudence requires, however, that we reduce our exposure, by substantially lowering our budget and trade deficits to levels that we and our allies can manage.

A moderate proposal

The deficit is high because reducing it will impose serious adverse consequences on virtually everybody. That, not cowardice, is why our politicians have not balanced the budget. Knowing this, we should set a target that both makes sense as policy and can be reached. We suggest a package of $50 billion in new tax hikes and/or spending cuts—$30 billion in FY90 and $20 billion more in FY91—to be enacted in 1989.

Our concern is with the capacity to govern. We worry about the deficit's effect on the government's interest costs, because these costs affect the government's ability to meet present and future dangers. We don't want debt interest to grow as a share of GNP; we would like it to shrink. We want the deficit reduced to a level at which our government need not worry so much about foreign bankers, and mainstream economists and financial analysts cannot plausibly argue that it represents any macroeconomic threat.

Why $50 billion? As we said, there is no analytically perfect number. We chose it because:

1) $50 billion is about half as hard as $100 billion. It is still very difficult. If the reduction were all on the spending side, it would require bigger cuts than were made in 1981. If all revenue, it would require a 10-percent increase in the income tax. We last did

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

something comparable in 1969, and that was a temporary surcharge to finance the Vietnam War.

2) If the August 1988 CBO projection holds, these reductions would, with attendant interest savings, cut the FY93 deficit in half, to just under $60 billion. That would be less than 1 percent of GNP —well below the level of the 1970s, and average for the 1960s.

3) If the CBO projection does not hold, and growth averages a pessimistic half a percent less of GNP for the next five years, the deficit in FY93 would still, at around $100 billion, be about 1.5 percent of GNP. That would be lower than in any year since 1974. The $50-billion reduction therefore provides a substantial margin of error to protect against bad economic news. By our rough estimate (these things depend on assumptions about interest rates), this reduction would also, even under the pessimistic scenario, stabilize the ratio of debt service to GNP. It would thereby control the interest burden borne by the federal government and the taxpayer.

This action might make it possible to balance the budget some years down the road, but it should neither be conceived nor sold in those terms. Rather, it should be sold as a way to balance our obligations and our ability to pay. Under the pessimistic scenario both the deficit and debt service would be under control. Even moderate economic performance such as that forecast by the CBO would lessen both burdens.

These deficit reductions should be enacted in the first year of the Bush administration, and the leadership, especially the President and the Chairman of the Federal Reserve, should make it clear that if the economy does worse than projected, driving up the deficit, further reductions would not be appropriate. They should tell the markets and foreign governments that our policy is bold and significant, which we think it is. Immediate action and certainty about goals are the best response to financial markets' supposed fears. They do not guarantee credibility, which can be won, if at all, only through performance. Yet credibility is surely sacrificed by switching policies to accommodate whatever happens to be the current popular interpretation of market whims. That is a bad way to manage a government, a worse way to manage markets, and a terrible way to negotiate with one's allies. Ronald Reagan gained strength from certainty; people knew what to expect and hesitated to bet that he would change policies. President Bush should try to present the same image. If he can win Mr. Greenspan's support, that will be very helpful, for the Fed can make betting against our government's policies particularly risky.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The politics of our target

Can foreign bankers and the Federal Reserve be convinced that a $50-billion package is adequate? In the short run, it seems quite likely. Few analysts would want to risk much bigger deficit reductions in the next two years. In the long run, we have argued, the economic arguments for eliminating the deficit are weak. Mr. Greenspan, an ideological foe of big government, might want bigger cuts; so might the foreign governments and bankers. Yet a fast $50 billion should be tempting.

Most important, the best way to get even $50 billion is to say that it is enough. That goes against the implicit logic followed by budget-balancers in all their propaganda to date. Deficit-reducers, like program advocates, use the tactic of the high bid: they tend to set a difficult target so that if the politicians go only halfway, we can manage. Economists and budgeters tend to believe that politicians are always compromising the public interest on behalf of special interests. By this logic, politicians have to be scared or bamboozled into doing enough.

We disagree. Our study of the budget battles of the 1980s shows that the politicians have tried very hard to balance the budget. Their success has been limited because of legitimate disagreements about which policies are in the national interest. They have failed because the problem is just too big. And if "solving" it means balancing the budget, then, as one Senator put it, "Why should I go through all this pain and trouble to get the deficit from $175 billion to $150 billion?" Exaggerating the problem only makes action more difficult. When politicians are judged by whether they do the impossible, they get no reward for doing less. Without reward, there is no reason to pay the price of deficit reduction, both in policy consequences and political risk.

People will sometimes end a battle, even on disadvantageous terms, because the struggle itself is so painful. That, however, has not been an option in the budget wars. If a player gave in once, for the sake of peace, he had no assurance against being attacked again. President Reagan figured that if he gave in one year on taxes, the deficit-cutters would be back for more next year. Speaker O'Neill knew the same about Social Security. Federal employees worried about their pensions, doctors about Medicare, farmers about their subsidies, Cap Weinberger about the defense budget—all used the same logic. Compromise would be taken only as a sign of weakness for the next round, so why compromise?

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The politicians should offer themselves a reward: if they take the recommended action during 1989, they can deem the crisis solved. "Do this and we won't bother you again" would be our refrain. "Then you can get on to the rest of the task of governing." Interest groups get a similar reward; winning new patronage would still be hard, but they would be spared the endless battle to protect their programs.

Just as quick action and certainty about goals are necessary to win the trust of foreign bankers, they are necessary to win the trust of national politicians. If some deficit reductions are left unspecified for future years, participants won't know that their concessions will give them peace. They would lose part of the reward: a clear limit on losses. If the President and Fed chairman make nominal deficit figures their target, as in Gramm-Rudman, the government again becomes hostage to the economy's swings. Then politicians could not be sure they were safe.

The deficit panic

Public opinion may never approve of unbalanced budgets. Many politicians may therefore hesitate to accept our moderate proposal. Yet public opinion is not the driving force in the budget-deficit panic. The public views the deficit as an evil, but only one of many evils. The budget-deficit panic is chiefly centered among the elite of national experts, politicians, and journalists who excoriate the politicians for their alleged pusillanimity. Politicians who warn that the public will punish their colleagues for running big deficits help shape the debate, but their claims are unsupported by fact. Congressmen have been winning re-election at record rates.

The struggle over budgets and deficits is a fight about the role of government in our society. Believers in less government may never accept a solution that leaves more government than they prefer, and they should not be expected to do so. These ideological differences may be the biggest barrier to our proposal. They are legitimate, yet they should be seen as what they are. Public debate should clarify the different economic and political reasons for deficit reduction.

While our proposal will not be easy to enact, the current drift of action is far more perilous. Economists, editorial writers, and politicians who demand a balanced budget ignore both its policy costs and the political lessons of the past eight years. In doing so they merely whip up fears that increase our economic risk.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Whatever one thinks of the Reagan era, one thing is clear: the unending struggle over the deficit has been among the most stultifying and frustrating experiences in our political history. From one year to the next we heard the same arguments, fought the same battles, prophesied the same doom. Nobody seems to have learned anything. Politicians of the right and left have so much fun beating each other over the head with the deficit that they cannot stop. Besides, their heads hurt too much to think straight. Politicians of the center (and some on the wings) have unwittingly transformed the deficit into a symbol of their own inadequacy. Having made eliminating the deficit the test of their ability to govern, the deficit is a crisis because they can't solve it, not because of any harm it causes. If that seems harsh, listen to how they talk about the problem and about themselves.

The deficit has become an all-purpose weapon, used to oppose or support virtually any position. This is bad policy and worse analysis; it has paralyzed our political system. Obsessed with the deficit, we ignore other questions. Do we want more savings or more job training? Should we forget about full employment, define it as what we have already achieved, or try to lower unemployment further? What is, or should be, our role in the world economy? Until we end the deficit "crisis," we can't even ask such questions. Fifty billion dollars will be difficult, but possible. It should be enough. Let's do it, and start thinking about other problems.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Neither for love nor money: why doctors must not kill

LEON R. KASS

IS THE profession of medicine ethically neutral? If so, whence shall we derive the moral norms or principles to govern its practices? If not, how are the norms of professional conduct related to the rest of what makes medicine a profession?

These difficult questions, now much discussed, are in fact very old, indeed as old as the beginnings of Western medicine. According to an ancient Greek myth, the goddess Athena procured two powerful drugs in the form of blood taken from the Gorgon Medusa, the blood drawn from her left side providing protection against death, that from her right side a deadly poison. According to one version of the myth, Athena gave to Asclepius, the revered founder of medicine, vials of both drugs; according to the other version, she gave him only the life-preserving drug, reserving the power of destruction for herself. There is force in both accounts: the first attests to

This article is dedicated to the memory of my father-in-law, Kalman Apfel, M.D., physician extraordinaire (1907-1988), and my mother-in-law, Polly Apfel (1911-1987), who exemplified even with her last breath the noblest possibilities of the human soul. Earlier versions of this essay were presented as lectures delivered for the Program in Ethics and the Professions, Harvard University, March 16, 1988, and for the Kennedy Institute of Ethics, Georgetown University, May 6, 1988.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the moral neutrality of medical means, and of technical power generally; the second shows that wisdom would constitute medicine an unqualifiedly benevolent—i.e., intrinsically ethical—art.

Today, we doubt that medicine is an intrinsically ethical activity, but we are quite certain that it can both help and harm. In fact, today, help and harm flow from the same vial. The same respirator that brings a man back from the edge of the grave also senselessly prolongs the life of an irreversibly comatose young woman. The same morphine that reverses the respiratory distress of pulmonary edema can, in higher doses, arrest respiration altogether. Whether they want to or not, doctors are able to kill—quickly, efficiently, surely. And what is more, it seems that they may soon be licensed and encouraged to do so.

Last year in Holland some 5,000 patients were intentionally put to death by their physicians, while authorities charged with enforcing the law against homicide agreed not to enforce it. Not satisfied with such hypocrisy, and eager to immunize physicians against possible prosecution, American advocates of active euthanasia are seeking legislative changes in several states that would legalize so-called mercy killing by physicians. A year ago the editor of the *Journal of the American Medical Association* published an outrageous (and perhaps fictitious) case of mercy killing, precisely to stir professional and public discussion of direct medical killing—perhaps, some have said, as a trial balloon.[1] So-called active euthanasia practiced by physicians seems to be an idea whose time has come. But, in my view, it is a bad idea whose time must not come—not now, not ever. This essay is in part an effort to support this conclusion. But it is also an attempt to explore the ethical character of the medical profession, using the question of killing by doctors as a probe. Accordingly, I will be considering these interrelated questions: What are the norms that all physicians, *as physicians*, should agree to observe, whatever their personal opinions? What is the basis of such a medical ethic? What does it say—and what should we think—about doctors intentionally killing?

Contemporary ethical approaches

The question about physicians killing is a special case of—but not thereby identical to—this general question: May or ought one kill people who ask to be killed? Among those who answer this gen-

[1] "It's Over, Debbie," *Journal of the American Medical Association*, 259: 272, January 8, 1988. See, in response, Willard Gaylin, Leon R. Kass, Edmund D. Pellegrino, Mark Siegler, "'Doctors Must Not Kill,'" *Journal of the American Medical Association*, 259: 2139-40, April 8, 1988.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

eral question in the affirmative, two reasons are usually given. Because these reasons also reflect the two leading approaches to medical ethics today, they are especially worth noting. First is the reason of *freedom* or *autonomy*. Each person has a right to control his or her body and his or her life, including the end of it; some go so far as to assert a right to die, a strange claim in a liberal society, founded on the need to secure and defend the unalienable right to life. But strange or not, for patients with waning powers too weak to oppose potent life-prolonging technologies wielded by aggressive physicians, the claim based on choice, autonomy, and self-determination is certainly understandable. On this view, physicians (or others) are bound to acquiesce in demands not only for termination of treatment but also for intentional killing through poison, because the right to choose—freedom—must be respected, even more than life itself, and even when the physician would never recommend or concur in the choices made. When persons exercise their right to choose against their continuance as embodied beings, doctors must not only cease their ministrations to the body; as keepers of the vials of life and death, they are also morally bound actively to dispatch the embodied person, out of deference to the autonomous personal choice that is, in this view, most emphatically the patient to be served.

The second reason for killing the patient who asks for death has little to do with choice. Instead, death is to be directly and swiftly given because the patient's life is deemed no longer worth living, according to some substantive or "objective" measure. Unusually great pain or a terminal condition or an irreversible coma or advanced senility or extreme degradation is the disqualifying quality of life that pleads—choice or no choice—for merciful termination. Choice may enter indirectly to confirm the judgment: if the patient does not speak up, the doctor (or the relatives or some other proxy) may be asked to affirm that he would not himself choose—or that his patient, were he *able* to choose, *would* not choose—to remain alive with one or more of these stigmata. It is not his autonomy but rather the miserable and pitiable condition of his body or mind that justifies doing the patient in. Absent such substantial degradations, requests for assisted death would not be honored. Here the body itself offends and must be plucked out, from compassion or mercy, to be sure. Not the autonomous will of the patient, but the doctor's benevolent and compassionate love for suffering humanity justifies the humane act of mercy killing.

As I have indicated, these two reasons advanced to justify the killing of patients correspond to the two approaches to medical

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ethics most prominent in the literature today: the school of autonomy and the school of general benevolence and compassion (or love). Despite their differences, they are united in their opposition to the belief that medicine is intrinsically a moral profession, with its own immanent principles and standards of conduct that set limits on what physicians may properly do. Each seeks to remedy the ethical defect of a profession seen to be in itself *a*moral, technically competent but morally neutral.

For the first ethical school, morally neutral technique is morally used only when it is used according to the wishes of the patient as client or consumer. The implicit (and sometimes explicit) model of the doctor-patient relationship is one of *contract*: the physician—a highly competent hired syringe, as it were—sells his services on demand, restrained only by the law (though he is free to refuse his services if the patient is unwilling or unable to meet his fee). Here's the deal: for the patient, autonomy and service; for the doctor, money, graced by the pleasure of giving the patient what he wants. If a patient wants to fix her nose or change his gender, determine the sex of unborn children, or take euphoriant drugs just for kicks, the physician can and will go to work—provided that the price is right and that the contract is explicit about what happens if the customer isn't satisfied.[2]

For the second ethical school, morally neutral technique is morally used only when it is used under the guidance of general benevolence or loving charity. Not the will of the patient, but the humane and compassionate motive of the physician—not as physician but as *human being*—makes the doctor's actions ethical. Here, too, there can be strange requests and stranger deeds, but if they are done from love, nothing can be wrong—again, providing the law is silent. All acts—including killing the patient—done lovingly are licit, even praiseworthy. Good and humane intentions can sanctify any deed.

In my opinion, each of these approaches should be rejected as a basis for medical ethics. For one thing, neither can make sense of some specific duties and restraints long thought absolutely inviolate under the traditional medical ethic—e.g., the proscription against having sex with patients. Must we now say that sex with patients is permissible if the patient wants it and the price is right, or, alternatively, if the doctor is gentle and loving and has a good bedside manner? Or do we glimpse in this absolute prohibition a deeper

[2] Of course, any physician with *personal* scruples against one or another of these practices may "write" the relevant exclusions into the service contract he offers his customers.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

understanding of the medical vocation, which the prohibition both embodies and protects? Indeed, as I will now try to show, using the taboo against doctors killing patients, the medical profession has its own instrinsic ethic, which a physician true to his calling will not violate, either for love or for money.

Professing ethically

Let me propose a different way of thinking about medicine as a profession. Consider medicine not as a mixed marriage between its own value-neutral technique and some extrinsic moral principles, but as an inherently ethical activity, in which technique and conduct are both ordered in relation to an overarching good, the naturally given end of health. This once traditional view of medicine I have defended at length in four chapters of my book, *Toward a More Natural Science.*[3] Here I will present the conclusions without the arguments. It will suffice, for present purposes, if I can render this view plausible.

A profession, as etymology suggests, is an activity or occupation to which its practitioner publicly professes—that is, confesses—his devotion. Learning may, of course, be required of, and prestige may, of course, be granted to, the professional, but it is the profession's *goal* that calls, that learning serves, and that prestige honors. Each of the ways of life to which the various professionals profess their devotion must be a way of life worthy of such devotion—and so they all are. The teacher devotes himself to assisting the learning of the young, looking up to truth and wisdom; the lawyer (or the judge) devotes himself to rectifying injustice for his client (or for the parties before the court), looking up to what is lawful and right; the clergyman devotes himself to tending the souls of his parishioners, looking up to the sacred and the divine; and the physician devotes himself to healing the sick, looking up to health and wholeness.

Being a professional is thus more than being a technician. It is rooted in our moral nature; it is a matter not only of the mind and hand but also of the heart, not only of intellect and skill but also of character. For it is only as a being willing and able to devote himself to others and to serve some high good that a person makes a public profession of his way of life. To profess is an ethical act, and it makes the professional qua *professional* a moral being who prospectively affirms the moral nature of his activity.

[3] Leon R. Kass, M.D., *Toward a More Natural Science: Biology and Human Affairs*, New York: The Free Press, 1985; paperback, 1988. See Chapters Six to Nine.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Professing oneself a professional is an ethical act for many reasons. It is an articulate public act, not merely a private and silent choice—a confession before others who are one's witnesses. It freely promises continuing devotion, not merely announces present preferences, to a way of life, not just a way to a livelihood, a life of action, not only of thought. It serves some high good, which calls forth devotion because it is both good and high, but which requires such devotion because its service is most demanding and difficult, and thereby engages one's character, not merely one's mind and hands.

The good to which the medical profession is devoted is health, a naturally given although precarious standard or norm, characterized by "wholeness" and "well-working," toward which the living body moves on its own. Even the modern physician, despite his great technological prowess, is but an assistant to natural powers of self-healing. But health, though a goal tacitly sought and explicitly desired, is difficult to attain and preserve. It can be ours only provisionally and temporarily, for we are finite and frail. Medicine thus finds itself in between: the physician is called to serve the high and universal goal of health while also ministering to the needs and relieving the sufferings of the frail and particular patient. Moreover, the physician must respond not only to illness but also to its meaning for each individual, who, in addition to his symptoms, may suffer from self-concern—and often fear and shame—about weakness and vulnerability, neediness and dependence, loss of self-esteem, and the fragility of all that matters to him. Thus, the inner meaning of the art of medicine is derived from the pursuit of health and the care for the ill and suffering, guided by the self-conscious awareness, shared (even if only tacitly) by physician and patient alike, of the delicate and dialectical tension between wholeness and necessary decay.

When the activity of healing the sick is thus understood, we can discern certain virtues requisite for practicing medicine—among them, moderation and self-restraint, gravity, patience, sympathy, discretion, and prudence. We can also discern specific positive duties, addressed mainly to the patient's vulnerability and self-concern—including the demands for truthfulness, patient instruction, and encouragement. And, arguably, we can infer the importance of certain negative duties, formulable as absolute and unexceptionable rules. Among these, I submit, is this rule: Doctors must not kill. The rest of this essay attempts to defend this rule and to show its relation to the medical ethic, itself understood as growing out of the inner meaning of the medical vocation.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

I confine my discussion solely to the question of direct, intentional killing of patients *by physicians*—so-called mercy killing. Though I confess myself opposed to such killing even by nonphysicians, I am not arguing here against euthanasia per se. More importantly, I am not arguing against the cessation of medical treatment when such treatment merely prolongs painful or degraded dying, nor do I oppose the use of certain measures to relieve suffering that have, as an unavoidable consequence, an increased risk of death. Doctors may and must allow to die, even if they must not intentionally kill.

I appreciate the danger in offering arguments against killing: even at best, they are unlikely to be equal to the task. Most taboos operate immediately and directly, through horror and repugnance; discursive arguments against, say, incest or cannibalism can never yield the degree of certitude intuitively and emotionally felt by those who know such practices to be abominable, nor are they likely to persuade anyone who is morally blind. It is not obvious that any argument can demonstrate, once and for all, why murder is bad or why doctors must not kill. No friend of decency wants to imperil sound principles by attempting to argue, unsuccessfully, for their soundness. Yet we have no other choice. Some moral matters, once self-evident, are no longer self-evident to us. When physicians themselves—as in Holland—undertake to kill patients, with public support, intuition and revulsion have fallen asleep. Only argument, with all its limitations, can hope to reawaken them.

Assessing the consequences

Although the bulk of my argument will turn on my understanding of the special meaning of professing the art of healing, I begin with a more familiar mode of ethical analysis: assessing needs and benefits versus dangers and harms. To do this properly is a massive task. Here, I can do little more than raise a few of the relevant considerations. Still the best discussion of this topic is a now-classic essay by Yale Kamisar, written thirty years ago.[4] Kamisar makes vivid the difficulties in assuring that the choice for death will be *freely* made and adequately *informed*, the problems of physician error and abuse, the troubles for human relationships within families and between doctors and patients, the difficulty of preserving the bound-

[4] Yale Kamisar, "Some Non-Religious Views Against Proposed 'Mercy-Killing' Legislation," *Minnesota Law Review* 42: 969-1042 (May, 1958). Reprinted, with a new preface by Professor Kamisar, in "The Slide Toward Mercy Killing," *Child and Family Reprint Booklet Series*, 1987.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ary between voluntary and involuntary euthanasia, and the risks to the whole social order from weakening the absolute prohibition against taking innocent life. These considerations are, in my view, alone sufficient to rebut any attempt to weaken the taboo against medical killing; their relative importance for determining public policy far exceeds their relative importance in this essay. But here they serve also to point us to more profound reasons why doctors must not kill.

There is no question that fortune deals many people a very bad hand, not least at the end of life. All of us, I am sure, know or have known individuals whose last weeks, months, or even years were racked with pain and discomfort, degraded by dependency or loss of self-control, isolation or insensibility, or who lived in such reduced humanity that it cast a deep shadow over their entire lives, especially as remembered by the survivors. All who love them would wish to spare them such an end, and there is no doubt that an earlier death could do it. Against such a clear benefit, attested to by many a poignant and heartrending true story, it is difficult to argue, especially when the arguments are necessarily general and seemingly abstract. Still, in the aggregate, the adverse consequences —including real suffering—of being governed solely by mercy and compassion may far outweigh the aggregate benefits of relieving agonal or terminal distress.

The "need" for mercy killing

The first difficulty emerges when we try to gauge the so-called "need" or demand for medically assisted killing. This question, to be sure, is in part empirical. But evidence can be gathered only if the relevant categories of "euthanizable" people are clearly defined. Such definition is notoriously hard to accomplish—and it is not always honestly attempted. On careful inspection, we discover that if the category is precisely defined, the need for mercy killing seems greatly exaggerated, and if the category is loosely defined, the poisoners will be working overtime.

The category always mentioned first to justify mercy killing is the group of persons suffering from incurable and fatal illnesses, with intractable pain and with little time left to live but still fully aware, who freely request a release from their distress—e.g., people rapidly dying from disseminated cancer with bony metastases, unresponsive to chemotherapy. But as experts in pain control tell us, the number of such people with truly intractable and untreatable pain is in fact rather low. Adequate analgesia is apparently possible in the vast

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

majority of cases, provided that the physician and patient are willing to use strong enough medicines in adequate doses and with proper timing.[5]

But, it will be pointed out, full analgesia induces drowsiness and blunts or distorts awareness. How can that be a desired outcome of treatment? Fair enough. But then the rationale for requesting death begins to shift from relieving experienced suffering to ending a life no longer valued by its bearer or, let us be frank, by the onlookers. If this becomes a sufficient basis to warrant mercy killing, now the category of euthanizable people cannot be limited to individuals with incurable or fatal painful illnesses with little time to live. Now persons in all sorts of greatly reduced and degraded conditions—from persistent vegetative state to quadriplegia, from severe depression to the condition that now most horrifies, Alzheimer's disease—might have equal claim to have their suffering mercifully halted. The trouble, of course, is that most of these people can no longer request for themselves the dose of poison. Moreover, it will be difficult—if not impossible—to develop the requisite calculus of degradation or to define the threshold necessary for ending life.

From voluntary to involuntary

Since it is so hard to describe precisely and "objectively" what kind and degree of pain, suffering, or bodily or mental impairment, and what degree of incurability or length of anticipated remaining life, could justify mercy killing, advocates repair (at least for the time being) to the principle of volition: the request for assistance in death is to be honored because it is freely made by the one whose life it is, and who, for one reason or another, cannot commit suicide alone. But this too is fraught with difficulty: How free or informed is a choice made under debilitated conditions? Can consent long in advance be sufficiently informed about all the particular circumstances that it is meant prospectively to cover? And, in any case, are not such choices easily and subtly manipulated, especially in the vulnerable? Kamisar is very perceptive on this subject:

> Is this the kind of choice, assuming that it can be made in a fixed and rational manner, that we want to offer a gravely ill person? Will we not sweep up, in the process, some who are not really tired of life, but think others are tired of them; some who do not really want to die, but who feel they should not live on, because to do so when there looms the legal alter-

[5] The inexplicable failure of many physicians to provide the proper—and available—relief of pain is surely part of the reason why some people now insist that physicians (instead) should give them death.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

native of euthanasia is to do a selfish or a cowardly act? Will not some feel an obligation to have themselves 'eliminated' in order that funds allocated for their terminal care might be better used by their families or, financial worries aside, in order to relieve their families of the emotional strain involved?

Even were these problems soluble, the insistence on voluntariness as the justifying principle cannot be sustained. The enactment of a law legalizing mercy killing on voluntary request will certainly be challenged in the courts under the equal-protection clause of the Fourteenth Amendment. The law, after all, will not legalize assistance to suicides in general, but only mercy killing. The change will almost certainly occur not as an exception to the criminal law proscribing homicide but as a new "treatment option," as part of a right to "A Humane and Dignified Death."[6] Why, it will be argued, should the comatose or the demented be denied such a right or such a "treatment," just because they cannot claim it for themselves? This line of reasoning has already led courts to allow substituted judgment and proxy consent in termination-of-treatment cases since *Quinlan*, the case that, Kamisar rightly says, first "badly smudged, if it did not erase, the distinction between the right to choose one's own death and the right to choose someone else's." When proxies give their consent, they will do so on the basis not of autonomy but of a substantive judgment—namely, that for these or those reasons, the life in question is not worth living. Precisely because most of the cases that are candidates for mercy killing are of this sort, the line between voluntary and involuntary euthanasia cannot hold, and will be effaced by the intermediate case of the mentally impaired or comatose who are declared no longer willing to live because someone else wills that result for them. In fact, the more honest advocates of euthanasia openly admit that it is these nonvoluntary cases that they especially hope to dispatch, and that their plea for *voluntary* euthanasia is just a first step. It is easy to see the trains of abuses that are likely to follow the most innocent cases, especially because the innocent cases cannot be precisely and neatly separated from the rest.

Everyone is, of course, aware of the danger of abuses. So procedures are suggested to prevent their occurrence. But to provide real safeguards against killing the unwilling or the only half-heartedly willing, and to provide time for a change of mind, they must be

[6] This was the title of the recently proposed California voter initiative that barely failed to gather enough signatures to appear on the November 1988 ballot. It will almost certainly be back.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

intrusive, cumbersome, and costly. As Kamisar points out, the scrupulous euthanasiasts seek a goal "which is *inherently inconsistent*: a procedure for death which *both* (1) provides ample safeguards against abuse and mistake; and (2) is 'quick' and 'easy' in operation." Whatever the procedure adopted, moreover, blanket immunity from lawsuits and criminal prosecution cannot be given in advance, especially because of ineradicable suspicions of coercion or engineered consent, and the likelihood of mixed motives and potential conflict, post mortem, among family members.

Damaging the doctor-patient relationship

Abuses and conflicts aside, legalized mercy killing by doctors will almost certainly damage the doctor-patient relationship. The patient's trust in the doctor's wholehearted devotion to the patient's best interests will be hard to sustain once doctors are licensed to kill. Imagine the scene: you are old, poor, in failing health, and alone in the world; you are brought to the city hospital with fractured ribs and pneumonia. The nurse or intern enters late at night with a syringe full of yellow stuff for your intravenous drip. How soundly will you sleep? It will not matter that your doctor has never yet put anyone to death; that he is legally entitled to do so—even if only in some well-circumscribed areas—will make a world of difference.

And it will make a world of psychic difference too for conscientious physicians. How easily will they be able to care wholeheartedly for patients when it is always possible to think of killing them as a "therapeutic option"? Shall it be penicillin and a respirator one more time, or perhaps just an overdose of morphine this time? Physicians get tired of treating patients who are hard to cure, who resist their best efforts, who are on their way down—"gorks," "gomers," and "vegetables" are only some of the less than affectionate names they receive from the house officers. Won't it be tempting to think that death is the best treatment for the little old lady "dumped" again on the emergency room by the nearby nursing home?

Even the most humane and conscientious physician psychologically needs protection against himself and his weaknesses, if he is to care fully for those who entrust themselves to him. A physician friend who worked many years in a hospice caring for dying patients explained it to me most convincingly: "Only because I knew that I could not and would not kill my patients was I able to enter most fully and intimately into caring for them as they lay dying." The psychological burden of the license to kill (not to speak of the brutalization of the physician-killers) could very well be an intoler-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ably high price to pay for physician-assisted euthanasia, especially if it also leads to greater remoteness, aloofness, and indifference as defenses against the guilt associated with harming those we care for.

The point, however, is not merely psychological and consequentialist: it is also moral and essential. My friend's horror at the thought that he might be tempted to kill his patients, were he not enjoined from doing so, embodies a deep understanding of the medical ethic and its intrinsic limits. We move from assessing the consequences to looking at medicine itself.

The limits of medicine

Every activity can be distinguished, more or less easily, from other activities. Sometimes the boundaries are indistinct; it is not always easy, especially today, to distinguish some music from noise or some teaching from indoctrination. Medicine and healing are no different; it is sometimes hard to determine the boundaries, both with regard to ends and means. Is all cosmetic surgery healing? Are placebos—or food and water—drugs?

There is, of course, a temptation to finesse these questions of definition or to deny the existence of boundaries altogether: medicine *is* whatever doctors *do*, and doctors do whatever doctors *can*. Technique and power alone define the art. Put this way, we see the need for limits: Technique and power are ethically neutral, usable for both good and ill. The need for finding or setting limits to the use of power is especially important when the power is dangerous; it matters more that we know the proper limits on the use of medical power—or military power—than, say, the proper limits on the use of a paint brush or violin.

The beginning of ethics regarding power generally lies in naysaying. Small children coming into their powers must be taught restraint, both for their own good and for the good of others. The wise setting of boundaries is based on discerning the excesses to which the power, unrestrained, is prone. Applied to the professions, this principle would establish strict outer limits—indeed, inviolable taboos—against those "occupational hazards" to which each profession is especially prone. *Within* these outer limits, no fixed rules of conduct apply; instead, prudence—the wise judgment of the man on the spot—finds and adopts the best course of action in light of the circumstances. But the outer limits themselves are fixed, firm, and nonnegotiable.

What are those limits for medicine? At least three are set forth in the venerable Hippocratic Oath: no breach of confidentiality; no

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sexual relations with patients; no dispensing of deadly drugs.[7] These unqualified, self-imposed restrictions are readily understood in terms of the temptations to which the physician is most vulnerable, temptations in each case regarding an area of vulnerability and exposure that the practice of medicine requires of patients. Patients necessarily divulge and reveal private and intimate details of their personal lives; patients necessarily expose their naked bodies to the physician's objectifying gaze and investigating hands; patients necessarily entrust their very lives to the physician's skill, technique, and judgment. The exposure is, in all cases, one-sided and asymmetric: the doctor does not reveal his intimacies, display his nakedness, offer up his embodied life to the patient. The patient is vulnerable and exposed; the physician is neither, or, rather, his own vulnerabilities are not exposed to the patient. Mindful of the meaning of such nonmutual exposure, the physician voluntarily sets limits on his own conduct, pledging not to take advantage of or to violate the patient's intimacies, sexuality, or life itself.

The reason for these restraints is not just the asymmetry of power and the ever-present hazard of its abuse. The relationship between doctor and patient transforms the ordinary human meaning of exposure. Medical nakedness is not erotic nakedness; palpation is not caressing; frank speech is not shared intimacy and friendship; giving out diets and drugs is not hospitality. The physician necessarily objectifies, reduces, and analyzes, as he probes, pokes, and looks for latent clues and meanings, while curbing his own sentiments and interests, so as to make a diagnosis and find a remedy. The goal that constitutes the relationship requires the detachment of the physician and the asymmetry of exposure and communication, and legitimates the acquisition and exercise of power. Yet it also informs the limits on how the power should be used and the manner in which the patient should be treated.

The prohibition against killing patients rests also on a narrower ground, related not only to the meaning of the doctor-patient relationship, but also, once again, to the potentially deadly moral neutrality of medical technique—the problem of the two vials. For this reason, it stands as the *first* promise of self-restraint sworn to in the Hippocratic Oath, as medicine's primary taboo: "I will neither give

[7] For a fuller discussion of these prohibitions, both in relation to the Hippocratic Oath and to the meaning of the doctor-patient relationship, see my essays, "Is There a Medical Ethic? The Hippocratic Oath and the Sources of Ethical Medicine," and "Professing Ethically: The Place of Ethics in Defining Medicine," in *Toward a More Natural Science*.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a deadly drug to anybody if asked for it, nor will I make a suggestion to this effect. . . . In purity and holiness I will guard my life and my art." In forswearing the giving of poison, the physician recognizes and restrains the godlike power he wields over patients, mindful that his drugs can both cure and kill. But in forswearing the giving of poison *when asked for it*, the Hippocratic physician rejects the view that the patient's choice for death can make killing him right. For the physician, at least, human life in living bodies commands respect and reverence—*by its very nature.* As its respectability does not depend upon human agreement or patient consent, revocation of one's consent to live does not deprive one's living body of respectability. The deepest ethical principle restraining the physician's power is not the autonomy or freedom of the patient; neither is it his own compassion or good intention. Rather, it is the dignity and mysterious power of human life itself, and, therefore, also what the Oath calls the purity and holiness of the life and art to which he has sworn devotion. A person can choose to be a physician, but he cannot choose what physicianship means.

The essence of medicine

One way to define medicine—or anything else—is to delimit its boundaries, to draw the line separating medicine from nonmedicine, or its ethical from its unethical practice. Another way to define medicine—or anything else—is to capture its center, to discern its essence. In the best case, the two kinds of definitions will be related: the outer boundary will at least reflect, and will at best be determined by, what is at the center. Some practices are beyond the pale precisely because they contradict what is at the center.

To seek the center, one begins not with powers but with goals, not with means but with ends. In the Hippocratic Oath, the physician states his goal this way: "I will apply dietetic measures *for the benefit of the sick* according to my ability and judgment. I will keep them from harm and injustice." In a more thorough explication of the Oath in my book, I have argued that this little paragraph, properly unpacked, reveals the core of medicine. For example, the emphasis on dietetics indicates that medicine is a cooperative rather than a transformative art, and the physician an assistant to the immanent healing powers of the body. And because a body possessed of reason is a body whose "possessor" may lead it astray through ignorance or self-indulgence, the physician, as servant of the patient's good, must teach, advise, and exhort to keep him from *self*-harm

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and injustice. Here I focus only on the modest little phrase, "the benefit of the sick."

The physician as physician serves only the sick. He does not serve the relatives or the hospital or the national debt inflated due to Medicare costs. Thus he will never sacrifice the well-being of the sick to the convenience or pocketbook or feelings of the relatives or society. Moreover, the physician serves the sick not because they have rights or wants or claims, but because they are sick. The benefit needed by the sick qua sick is health. The healer works with and for those who need to be healed, in order to make them whole.

Healing is thus the central core of medicine: to heal, to make whole, is the doctor's primary business. The sick, the ill, the unwell present themselves to the physician in the hope that he can help them become well—or, rather, as well as they can become, some degree of well-ness being possible always, this side of death. The physician shares that goal; his training has been devoted to making it possible for him to serve it. Despite enormous changes in medical technique and institutional practice, despite enormous changes in nosology and therapeutics, the center of medicine has not changed: it is as true today as it was in the days of Hippocrates that the ill desire to be whole; that wholeness means a certain well-working of the enlivened body and its unimpaired powers to sense, think, feel, desire, move, and maintain itself; and that the relationship between the healer and the ill is constituted, essentially even if only tacitly, around the desire of both to promote the wholeness of the one who is ailing.

Human wholeness

The wholeness and well-working of a human being is, of course, a rather complicated matter, much more so than for our animal friends and relations. Because of our powers of mind, our partial emancipation from the rule of instinct, our self-consciousness, and the highly complex and varied ways of life we follow as individuals and as members of groups, health and fitness seem to mean different things to different people, or even to the same person at different times of life. Moreover, departures from health have varying importance depending on the way of life one follows. Yet not everything is relative and contextual; beneath the variable and cultural lies the constant and organic, the well-regulated, properly balanced, and fully empowered human body. Indeed, only the existence of this natural and universal subject makes possible the study of medicine. The cornerstone of medical education is the analytic study of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the human body, *universally* considered: anatomy, physiology, biochemistry and molecular biology, genetics, microbiology, pathology, and pharmacology—all these sciences of somatic function, disorder, and remedy are the first business of medical schools, and they must be learned before one can hope to heal particular human beings.

But *human* wholeness goes beyond the kind of somatic wholeness abstractly and reductively studied by these various sciences. Whether or not doctors are sufficiently prepared by their training to recognize it, those who seek medical help in search of wholeness are not *to themselves* just bodies or organic machines. Each person intuitively knows himself to be a center of thoughts and desires, deeds and speeches, loves and hates, pleasures and pains, but a center whose workings are none other than the workings of his enlivened and mindful body. The patient presents himself to the physician, tacitly to be sure, as a psychophysical unity, as a *one*, not just as a body, but also not just as a separate disembodied entity that simply *has* or *owns* a body. The person and the body are self-identical. To be sure, the experience of psychophysical unity is often disturbed by illness, indeed, by bodily illness; it becomes hard to function as a unity if part of oneself is in revolt, is in pain, is debilitated. Yet the patient aspires to have the disturbance quieted, to restore the implicit feeling and functional fact of oneness with which we freely go about our business in the world. The sickness may be experienced largely as belonging to the body as something other; but the healing one wants is the wholeness of one's entire embodied being. Not the wholeness of *soma*, not the wholeness of *psyche*, but the wholeness of *anthropos* as a (puzzling) concretion of *soma-psyche* is the benefit sought by the sick. This human wholeness is what medicine is finally all about.

Wholeness and killing

Can wholeness and healing ever be compatible with intentionally killing the patient? Can one benefit the patient as a whole by making him dead? There is, of course, a logical difficulty: how can any good exist for a being that is not? "Better off dead" is logical nonsense—unless, of course, death is not death at all but instead a gateway to a new and better life beyond. But the error is more than logical: to intend and to act for someone's good requires his continued existence to receive the benefit.

Certain attempts to benefit may in fact turn out, unintentionally, to be lethal. Giving adequate morphine to control pain might

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

induce respiratory depression leading to death. But the intent to relieve the pain of the living presupposes that the living still live to be relieved. This must be the starting point in discussing all medical benefits: no benefit without a beneficiary.

Against this view of healing the whole human being, someone will surely bring forth the hard cases: patients so ill-served by their bodies that they can no longer bear to live, bodies riddled with cancer and racked with pain, against which their "owners" protest in horror and from which they insist on being released. It is argued that it just isn't true that we are psychophysical unities; rather, we are some hard-to-specify duality (or multiplicity) of impersonal organic body plus supervening consciousness, what the professionals dub personhood: awareness, intellect, will. Cannot the person "in the body" speak up against the rest, and request death for "personal" reasons?

However sympathetically we listen to such requests, we must see them as incoherent. Strict person-body dualism cannot be sustained. "Personhood" is manifest on earth only in living bodies; our highest mental functions are held up by, and are inseparable from, lowly metabolism, respiration, circulation, excretion. There may be blood without consciousness, but there is never consciousness without blood. The body is the living ground of all so-called higher functions. Thus one who calls for death in the service of personhood is like a tree seeking to cut its roots for the sake of growing its highest fruit. No physician, devoted to the benefit of the sick, can serve the patient as person by denying and thwarting his personal embodiment.

To say it plainly, to bring nothingness is incompatible with serving wholeness: one cannot heal—or comfort—by making nil. The healer cannot annihilate if he is truly to heal. The boundary condition, "No deadly drugs," flows directly from the center, "Make whole."

Analogies

The reasonableness of this approach to medical ethics is supported by analogies with other professions. For example, we can clearly discover why suborning perjury and contempt of court are taboos for lawyers, why falsifying data is taboo for a scientist, or why violating the confessional is taboo for a priest, once we see the goals of these professions to be, respectively, justice under law, truth about nature, and purification of the soul before God. Let me expand two other analogies, somewhat closer to our topic.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Take the teacher. His business: to encourage, and to provide the occasion for, learning and understanding. Recognizing this central core, we see that the teacher ought never to oppose himself to the student's effort to learn, or even to his prospects for learning. This means, among other things, never ridiculing an honest effort, never crushing true curiosity or thoughtfulness; it also means opposing firmly the temptations that face students to scramble their minds through drugs. And even when the recalcitrant student refuses to make the effort, the teacher does not abandon his post, but continues to look for a way to arouse, to cajole, to inspire, to encourage. The teacher will perhaps not *pursue* the unwilling student, but as long as the student keeps coming to class, the true teacher will not participate in or assist him with his mental self-neglect.

Now consider the parent. These days only a fool would try to state precisely what the true business of a father or mother is, qua father or mother. Yet it must be something like protection, care, nurture, instruction, exhortation, chastisement, encouragement, and support, all in the service of the growth and development of a mature, healthy, competent, and decent adult, capable of an independent and responsible life of work and love and participation in community affairs—no easy task, especially now. What will the true parent do when teenagers rise in revolt and try to reject not only the teachings of their homes but even the parents themselves, when sons and daughters metaphorically kill their parents as parents by un-sonning and un-daughtering themselves? Should fathers acquiesce and willingly unfather themselves; should mothers stand against their life-work of rearing and abandon the child? Or does not the true parent "hang in there" in one way or another, despite the difficulty and sense of failure, and despite the need, perhaps, for great changes in his or her conduct? Does not the true parent refuse to surrender or to abandon the child, knowing that it would be deeply self-contradictory to deny the fact of one's parenthood, whatever the child may say or do? Again, one may freely choose or refuse to become a parent, but one cannot fully choose what parenthood means. The inner meaning of the work has claims on our hearts and minds, and sets boundaries on what we may do without self-contradiction and self-violation.

When medicine fails

Being a physician, teacher, or parent has a central inner meaning that characterizes it essentially, and that is independent both of the demands of the "clients" and of the benevolent motives of the practi-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tioners. For a physician, to be sure, things go better when the patient is freely willing and the physician is virtuous and compassionate. But the physician's work centers on the goal of healing, and he is thereby bound not to behave in contradiction to that central goal.

But there is a difficulty. The central goal of medicine—health—is, in each case, a perishable good: inevitably, patients get irreversibly sick, patients degenerate, patients die. Unlike—at least on first glance—teaching or rearing the young, healing the sick is *in principle* a project that must at some point fail. And here is where all the trouble begins: How does one deal with "medical failure"? What does one seek when restoration of wholeness—or "much" wholeness—is by and large out of the question?

There is much that can and should be said on this topic, which is, after all, the root of the problems that give rise to the call for mercy killing. In my book I have argued for the primacy of easing pain and suffering, along with supporting and comforting speech, and, more to the point, the need to draw back from some efforts at prolongation of life that prolong or increase only the patient's pain, discomfort, and suffering. Although I am mindful of the dangers and aware of the impossibility of writing explicit rules for ceasing treatment—hence the need for prudence—considerations of the individual's health, activity, and state of mind must enter into decisions of *whether* and *how vigorously* to treat if the decision is indeed to be for the patient's good. Ceasing treatment and allowing death to occur when (and if) it will seem to be quite compatible with the respect that life itself commands for itself. For life is to be revered not only as manifested in physiological powers, but also as these powers are organized in the form of *a* life, with its beginning, middle, and end. Thus life can be revered not only in its preservation, but also in the manner in which we allow a given life to reach its terminus. For physicians to adhere to efforts at indefinite prolongation not only reduces them to slavish technicians without any intelligible goal, but also degrades and assaults the gravity and solemnity of a life in its close.

Ceasing medical intervention, allowing nature to take its course, differs fundamentally from mercy killing. For one thing, death does not necessarily follow the discontinuance of treatment; Karen Ann Quinlan lived more than ten years after the court allowed the "life-sustaining" respirator to be removed. Not the physician, but the underlying fatal illness becomes the true cause of death. More importantly, in ceasing treatment the physician need not *intend* the death of the patient, even when the death follows as a result of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

his omission. His intention should be to avoid useless and degrading medical *additions* to the already sad end of a life. In contrast, in active, direct mercy killing the physician must, necessarily and indubitably, intend *primarily* that the patient be made dead. And he must knowingly and indubitably cast himself in the role of the agent of death.

Being humane and being human

Yet one may still ask: Is killing the patient, even on request, compatible with respecting the life that is failing or nearing its close? Obviously, the euthanasia movement thinks it is. Yet one of the arguments most often advanced by proponents of mercy killing seems to me rather to prove the reverse. Why, it is argued, do we put animals out of their misery but insist on compelling fellow human beings to suffer to the bitter end? Why, if it is not a contradiction for the veterinarian, does the medical ethic absolutely rule out mercy killing? Is this not simply inhumane?

Perhaps inhumane, but not thereby inhuman. On the contrary, it is precisely because animals are not human that we must treat them (merely) humanely. We put dumb animals to sleep because they do not know that they are dying, because they can make nothing of their misery or mortality, and, therefore, because they cannot live deliberately—i.e., humanly—in the face of their own suffering or dying. They cannot live out a fitting end. Compassion for their weakness and dumbness is our only appropriate emotion, and given our responsibility for their care and well-being, we do the only humane thing we can. But when a conscious human being asks us for death, by that very action he displays the presence of something that precludes our regarding him as a dumb animal. Humanity is owed humanity, not humaneness. Humanity is owed the bolstering of the human, even or especially in its dying moments, in resistance to the temptation to ignore its presence in the sight of suffering.

What humanity needs most in the face of evils is courage, the ability to stand against fear and pain and thoughts of nothingness. The deaths we most admire are those of people who, knowing that they are dying, face the fact frontally and act accordingly: they set their affairs in order, they arrange what could be final meetings with their loved ones, and yet, with strength of soul and a small reservoir of hope, they continue to live and work and love as much as they can for as long as they can. Because such conclusions of life require courage, they call for our encouragement—and for the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

many small speeches and deeds that shore up the human spirit against despair and defeat.

Many doctors are in fact rather poor at this sort of encouragement. They tend to regard every dying or incurable patient as a failure, as if an earlier diagnosis or a more vigorous intervention might have avoided what is, in truth, an inevitable collapse. The enormous successes of medicine these past fifty years have made both doctors and laymen less prepared than ever to accept the fact of finitude. Doctors behave, not without some reason, as if they have godlike powers to revive the moribund; laymen expect an endless string of medical miracles. It is against this background that terminal illness or incurable disease appears as medical failure, an affront to medical pride. Physicians today are not likely to be agents of encouragement once their technique begins to fail.

It is, of course, partly for these reasons that doctors will be pressed to kill—and many of them will, alas, be willing. Having adopted a largely technical approach to healing, having medicalized so much of the end of life, doctors are being asked—often with thinly veiled anger—to provide a final technical solution for the evil of human finitude and for their own technical failure: If you cannot cure me, kill me. The last gasp of autonomy or cry for dignity is asserted against a medicalization and institutionalization of the end of life that robs the old and the incurable of most of their autonomy and dignity: intubated and electrified, with bizarre mechanical companions, helpless and regimented, once proud and independent people find themselves cast in the roles of passive, obedient, highly disciplined children. People who care for autonomy and dignity should try to reverse this dehumanization of the last stages of life, instead of giving dehumanization its final triumph by welcoming the desperate goodbye-to-all-that contained in one final plea for poison.

The present crisis that leads some to press for active euthanasia is really an opportunity to learn the limits of the medicalization of life and death and to recover an appreciation of living with and against mortality. It is an opportunity for physicians to recover an understanding that there remains a residual human wholeness—however precarious—that can be cared for even in the face of incurable and terminal illness. Should doctors cave in, should doctors become technical dispensers of death, they will not only be abandoning their posts, their patients, and their duty to care; they will set the worst sort of example for the community at large—teaching technicism and so-called humaneness where encouragement and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

humanity are both required and sorely lacking. On the other hand, should physicians hold fast, should they give back to Athena her deadly vial, should medicine recover the latent anthropological knowledge that alone can vindicate its venerable but now threatened practice, should doctors learn that finitude is no disgrace and that human wholeness can be cared for to the very end, medicine may serve not only the good of its patients, but also, by example, the failing moral health of modern times.

•

CONTRIBUTORS

•

ALLAN CARLSON is president of the Rockford Institute and the author of *Family Questions: Reflections on the American Social Crisis* (Transaction Books, 1988).

PETER COLLIER AND DAVID HOROWITZ are the authors of *The Kennedys: An American Drama* and *The Fords: An American Epic*. Their article is adapted from a forthcoming book, *Destructive Generation*, to be published by Summit Books.

PETER GORDON is associate dean of the School of Urban and Regional Planning at the University of Southern California. HARRY RICHARDSON is professor of economics and of urban and regional planning at USC.

LEON R. KASS, M.D., is Henry R. Luce Professor of the Liberal Arts of Human Biology in the College and the Committee on Social Thought of the University of Chicago.

JOSEPH WHITE is a senior research analyst at the Brookings Institution. AARON WILDAVSKY is professor of political science at the University of California, Berkeley.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Slouching towards Berkeley: socialism in one city

PETER COLLIER & DAVID HOROWITZ

THE MEETING of the Berkeley City Council that coincided with the beginning of the 1988 riots on the West Bank was an unusual happening, even for a city where municipal politics often attains the status of performance art. Five hundred people showed up at the Berkeley Community Theater, after running a paper gauntlet of handouts from Revolution Books, the Israel Action Committee, and Jews Opposed to the Occupation, as well as one anonymous publisher who was distributing typewritten recipes for Molotov cocktails. Inside the crowded theater small groups of Jews in *yarmulkes* were shouting and jabbing fingers at each other while women wearing *hadas*, black-and-white Palestinian shawls, looked on.

The issue at hand was a recommendation from the city's Commission on Peace and Justice that the Council adopt a Gaza town called Jabalia as a sister city. Ordinarily this would have posed no problem. Sister cities are an important part of the iconography of radical politics in Berkeley, which already has a virtual sorority of them: Leon in revolutionary Nicaragua, San Antonio Los Ranchos in the "zone of popular control" in El Salvador, and Oukasie, a black township in South Africa. But the proposal to adopt Jabalia

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mobilized a large number of Jews—some of them part of the city's radical *nomenklatura*, who nonetheless draw the line at measures they regard as anti-Israel. The resolution lost six to three, after a bitter debate before the Council and an even nastier one in the audience.

The measure lost in part because passage would have caused deep divisions in the radical community. But in addition to this sudden display of pragmatism, a quality not usually associated with Berkeley politics, there was something else at work too: a feeling of near-embarrassment at the city's delusions of grandeur. As one of the radicals on the Council mused wearily in the middle of the debate, "In Berkeley we have this sense of megalomania. . . ."

Others in the audience shared this perception. One of the biggest cheers of the evening came for a black minister of the Liberty Baptist Church, who stood up in the middle of the soaring debate about international morality to remind the Council that it had promised long ago to put a stoplight in front of his church and hadn't yet done so. There was also a ripple of assent when one man from a contingent of Berkeley's militant homeless yelled out, "Handle your own city first! Adopt the homeless!"

When the meeting had ended and people were filing out, some of them talking in a melancholy way about how Berkeley seemed to have turned its back on its radical heritage, a reporter paused to ask an elderly woman who had sat through the meeting what she thought. "Oh, I don't know. It is bad what is happening over there. But the West Bank is so far away. And we do have other things to worry about like . . ."—and here a look of guilty perplexity appeared on her face—"like potholes. People are suffering around the world, but the potholes on our streets are just terrible. I just don't know. What's a city supposed to be about, anyway?"

"Berserkeley"

What *is* a city supposed to be about? This is the question that has been agitating Berkeley for the past two decades. The answer used to be clear and relatively simple: it was about being a busy and prosperous small town surrounding but not subservient to the campus of the University of California, the semi-independent city that had grown up in its midst. But somewhere along the line, Berkeley —almost as if adopting the theories of its namesake, the Anglican bishop whose philosophy of subjectivism Dr. Johnson tried to refute by kicking a stone—became a state of mind as much as a place on the map. It became "Berserkeley," the once and future protest town

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and living museum of insurrection where the good old days of rage are memorialized in folk murals on the walls of buildings on Telegraph Avenue. It became a sister city of the soul for Havana and Managua, a place where the municipal lexicon has been so conscientiously neutered that many local *bien pensants* speak of "personhole covers," a place where people commonly talk in the chic leftspeak that recently led one self-styled radical to speak of a common urban problem in these terms: "Everybody in the country has to deal with cockroaches, but we in Berkeley should take the lead with an environmentally correct, politically progressive solution."

For the radical elite that controls city politics, the question of what Berkeley is supposed to be all about is settled. It is about the symbolism of sister cities and foreign policy "positions" that mix the romanticization of the Third World with anti-Americanism recycled from the 1960s; and, more significantly, it is about power—how to seize and redistribute it, how to create new relationships to it among the populace, and how to use it to further the radical vision. For this elite, Berkeley is a radical demonstration project—a "beacon," to use a favorite term of the local left, for the rest of the country. And indeed, the Berkeley experiment has become an inspiring example for Madison, Santa Monica, Burlington, and other would-be "socialist" towns across the country. It has been lauded as a bastion of progressivism by socialist leaders around the world. In Berkeley itself, however, there is murmuring in the congregation. Many residents who are otherwise quite progressive seem not to want to live inside a metaphor.

Radicals have built a formidable political machine in Berkeley, but not without disillusioning many citizens who worry that the new machine has no soul. The opponents are not only members of the Republican old guard, a long-vanquished minority, but also many who once embraced the experiment in municipal leftism. People like Bill McKay, for instance, a veteran of Berkeley's thirty-year war—the HUAC demonstrations, the Free Speech Movement, the Vietnam protest, People's Park, and eventually the radical seizure of City Hall. "It's okay to joke about socialism in one city," he says, "but it's also necessary to get serious about what the radicals have done during their years in power here. They've divided this city right down the middle, that's what they've done. They've set whites against blacks, landlords against tenants, students against long-term residents, people with kids against people without, and so on. The Berkeley of the past, the place we set out to take over and make over? They've destroyed that city, and replaced it with something

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

vastly inferior. And in the process they've also done something I thought nobody could *ever* do—made me into a conservative."

Paradise lost

It may have elements of civic farce, political soap opera, and urban tragedy, but as Bill McKay's comments suggest, the story of Berkeley is also the story of paradise lost. As late as the early sixties, it was still the dream city of the 1920s, a time when it had been a "California Athens." Backed up into the hills of Tilden Park and looking down onto the Bay, it had the feeling of an elegant small town.

Republican "downtown" interests controlled City Hall in the early sixties but municipal politics still had a progressive feel because of past accomplishments. Back in 1923, for instance, Berkeley was one of the first places in California to set up a city-manager form of government to eliminate machine politics. The city's police department was widely regarded as a model by other municipalities across the country, as was its commitment to parks and open space.

During World War II, Berkeley demographics changed, as the city absorbed a large number of blacks fleeing the Jim Crow South in search of jobs. They moved into South and West Berkeley, close to the Bay, in what became known as the "flatlands," buying homes there that were advertised as "workingmen's bungalows." These modest single-family dwellings appreciated in value over the years, as the black flatlands developed into a network of stable neighborhoods a world away from the angry ghettoes of Oakland, Richmond, and other nearby cities.

At the same time that the city's racial composition was changing, so was the University. Returning veterans swelled its enrollment from 12,000 in 1945 to 25,000 two years later. The federal government pumped money into research, and the state government acknowledged that the Berkeley campus was the jewel in its crown of universities. Emerging suddenly as one of the half-dozen best universities in the country, UC was on its way to becoming the "multiversity," a term coined by its president, Clark Kerr, to indicate its profound and reciprocal connections to business, industry, and government.

It was in the 1950s that the University also acquired its distinctive identity as a place involved with left-wing causes, largely as a result of the loyalty-oath controversy that rocked the Berkeley campus in 1952 and opened wounds that remained unhealed a decade later. Berkeley's fraternity row may have been the scene of panty

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

raids and collegiate hijinks, but on Telegraph Avenue there was a political and cultural ferment at odds with the Eisenhower years. By the end of the decade the demonstrations against HUAC, the protest against the Caryl Chessman execution, and the emergence of SLATE, a radical student party, heralded the advent of the New Left. The conservative establishment of the Bay Area, whose most palpable symbol was *Oakland Tribune* publisher and U.S. Senator William Knowland, grumbled that the "little red schoolhouse" had become a hotbed of political mischief and demanded that the administration enforce discipline.

The city of Berkeley too was feeling the clash between past and future in an electoral struggle that broke out between the Republican old guard and the new "hill liberals," so named because of their concentration in the redoubt of *noblesse oblige* above the flatlands. These liberal Democrats had been galvanized by Adlai Stevenson's first presidential campaign in 1952. By the middle of the decade they had become organized and were beginning to elect candidates to the City Council; by the end of the decade they were ready to make a serious bid for power.

There was a liberal renaissance all over the state, as the growing influence of the California Democratic Council and similar organizations showed. But the liberal movement in Berkeley was *sui generis*, resting on a distinctive coalition between whites of the hills and flatlands blacks, who, because of neighborhood stability and other factors, had a sense of connectedness and upward mobility not seen in other minority communities in the Bay Area. Seeing the local Democratic Party as a vehicle for advancement, blacks joined whites to form the Berkeley Democratic Caucus. They took white candidates for the City Council around in the flatlands, and whites did the same for their candidates in the hills. White liberals soon became an active minority on the Council, and by the early 1960s blacks too were getting elected. In 1961, when black lawyer Wilmont Sweeney joined the Council, the liberals finally had their majority in Berkeley city government.

After a long political struggle, it seemed that the liberal era would last forever. Berkeley's liberal coalition had an ambitious agenda for the future. Integration, fair housing, rational development, affirmative action: all these issues were raised in Berkeley before they became national causes. But if there was one program that epitomized the liberal dream of progress, it was school integration. Berkeley liberals developed a visionary yet hard-headed plan for the citywide busing of all public-school children. Unprece-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dented in scope and magnitude, the plan called not only for the city's black children to be bused to schools in the hills, but also for white kids to be taken to the flatlands. The integration plan provoked a bitter response from the city's old guard, but School Board president Carol Sibley and the liberal establishment stood fast, triumphing over a recall attempt. The Berkeley School Plan stood out as something unique in an era pinioned between awakening minority aspiration and racial backlash. A commitment to do voluntarily what the rest of the nation would later do only sullenly and under coercion, it defined the kind of city that Berkeley was.

City for the sixties

In the mid-sixties, in fact, Berkeley could have been that shining city on the hill, as Carol Sibley later said. It was firmly committed to the liberal vision of a decent and compassionate society. Its politics were dominated by a painstakingly assembled coalition of blacks and whites, and by the assumption that all social problems could be solved. In that regard, Berkeley was the quintessential city of a can-do era; not surprisingly, it was also wounded by the sixties as no other American city was.

In 1964 the Free Speech Movement opened a fault line between the city's past and its future. The first major student uprising in decades, the FSM was supported by much of the Berkeley political community. At first it seemed yet another example, albeit a somewhat raucous one, of Berkeley exceptionalism. Some of the euphoria receded in the aftermath of the protest, however, when the city became a radical mecca attracting left-wing pilgrims from all over the country, people who wanted to be present for the fire next time.

In 1967, after the Be-In across the Bay, Berkeley began to sprout communes and collectives; it gained a subpopulation of "street people." Almost overnight, the city had become a theater at which there were not enough seats to go around. Telegraph Avenue was now one of the most famous promenades in the country, and young people came from all over the country to put in an appearance, arriving without money and with only vague expectations, like the Gold Rush immigrants one hundred years earlier. Berkeleyans set up institutions like the Free Church and Free Clinic, and gave away free clothes, free food, and free medical care. But there was no putting off the reckoning. A new sort of person had come to town, a person who identified with Berkeley because of its presumed radicalism and who wanted the city to live up to its reputation for action.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

After the Free Speech Movement the question had always been what would come next. The answer soon appeared: Vietnam. In the spring of 1965 the University was the site of one of the first major college teach-ins on the war. That fall marked the beginning of a series of marches and protests that quickly grew larger and more radical. Although the liberal city government reacted sympathetically, its good intentions soon became suspect to radicals. Events of the next few years would be shrouded in a haze of tear gas.

With heavy doubts, many Berkeley liberals at first backed the war. As one escalation followed another, many of them simply abandoned liberalism. Those who didn't were left dangling as the Johnson administration dissolved into dissonance and incoherence. Once forced to retreat, they became inviting targets for an evolving radical movement whose philosophy was based chiefly on one tenet—that Cold War liberals, corporate liberals, and, in Berkeley, especially the hill liberals were responsible for all the woes of the world.

The city soon fell under the rule of quotidian violence and ritualized confrontation. A summary moment occurred in the spring of 1969 in the struggle over a block of land just off Telegraph Avenue owned by the University, which planned to make it into a field for student athletics. Hippies and street people had congregated there, planting several trees (under the influence of the nascent ecology movement) and christening it their own "People's Park." After an unsuccessful attempt to compromise, the University fenced off the area and brought in police to protect the property. Soon a coalition of students and nonstudent *Lumpen* decided to "take the park." In the riot that followed, law-enforcement units from all over the area arrived to back up the beleaguered Berkeley police. Officers were stabbed and assaulted; one demonstrator was killed by a shotgun blast and another was blinded by bird shot. Afterwards, there was random violence throughout the city, and nearly five hundred demonstrators were arrested before then-Governor Ronald Reagan called out the National Guard. Some 30,000 people attended a peaceful march a few days later that institutionalized People's Park as a symbol of post-revolutionary Berkeley, which was now a "liberated zone," in Tom Hayden's phrase, within the deathscape of "Amerika."

The radical takeover

If the FSM marked the beginning of an era in Berkeley, People's Park marked the end. The war was starting to wind down, and the New Left was about to implode in Dada and "revolutionary vio-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lence." Was there life after Vietnam? In Berkeley some radicals had already decided that there was, although it was a life of diminished left-wing expectations. They would have to settle for taking over the city and not the whole country. The beginnings of an agenda already existed, albeit somewhat crudely phrased, in the Berkeley Liberation Program that Hayden and his collaborators had put together during the People's Park controversy. "The people of Berkeley must arm themselves and learn the basic skills and tactics of self-defense and street-fighting," they wrote. "We will expand and protect our drug culture. . . . We will break the power of the landlord and provide beautiful living for everyone. . . . We will create a soulful Socialism in Berkeley."

Radicals had shown a passing interest in city government a few years earlier, in 1967, when a slate headed by Robert Avakian (future leader of the Revolutionary Communist Movement) ran for City Council and Jerry Rubin ran for mayor. But in keeping with the temper of the times, the campaign had primarily been an "educational" attempt at consciousness raising on the municipal level, and the radical candidates had all lost by large margins. After People's Park, however, the focus was on Berkeley—the municipality rather than the state of mind—as it hadn't been before. Radicals got a taste of power in 1969 when they elected local black community organizer Ronald Dellums to the Berkeley City Council, and in the following year to Congress. They formed an ad hoc organization called the April Coalition and in 1971 elected three candidates to the City Council. In addition, Warren Widener, an incumbent black councilman backed by the Coalition, was elected mayor. The radicals were still a minority on the Council—and would remain so for many years—but from that day forth they called the tune to which Berkeley danced.

The temper of the times was expressed as much in the initiatives that the radicals sponsored as in their candidates. A Black Panther Party-backed measure on the 1971 ballot for "community control of the police"—which would have split the department into districts, forced officers to live in the district where they worked, and put them under the control of neighborhood councils—failed, but it cleared the way for other antipolice measures and for the final triumph of the paranoid view of law enforcement and a romanticized view of criminality. In 1973, for instance, after his men had seized more than $1 million in narcotics during the previous few months, Berkeley's chief of police appeared before the City Council to ask for permission to apply to the state for money to help in the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fight against dealers. Instead he was grilled by the radicals, with left-wing Councilwoman Loni Hancock accusing him of wanting to set up an "undercover surveillance mechanism." The Berkeley police department, which had long been regarded as one of the most efficient and progressive in California despite the city's "troubles," was badly hurt by resignations, losing almost half of its officers between 1971 and 1973.

Despite its successes in altering the nature of civic discourse, however, the April Coalition was unable to dislodge the liberal majority on the Council. Radicals saw that they had to change their approach if they were to be more than a sideshow in Berkeley politics. By 1975 two decisions had been hammered out. The first was that radicals would henceforth refer to themselves as "progressives"; the second was to replace the April Coalition with a more permanent organization that would function roughly as a vanguard party in promoting socialism.

The BCA

It was decided that Berkeley Citizens' Action (BCA), as they christened the new organization, would have a twelve-person steering committee that included six "third worlders" and women, two students, one gay, one senior citizen, and one disabled person.

The appearance of the BCA showed that radicals now understood that power in municipal politics grows out of the barrel of organization. They saw the need for structure and long-range objectives. The organization's philosophy was influenced by *The Cities' Wealth*, a document by some local "urban theorists" that appeared at about the same time as the BCA.

Much of *The Cities' Wealth* was radical boilerplate, clichés about the "power structure" that had been in the air since C. Wright Mills. What was original in this document was the notion that the appropriate objective for a radical movement was seizure of a city's resources—its money, property, and influence—to help the movement entrench itself in power while also changing the basic structures of civic life. *The Cities' Wealth* showed how rent control, for instance, could remake a city like Berkeley. And what the authors envisioned was something more far-reaching than simply capping rent increases or regulating capricious eviction policies. "By enacting rent-control legislation and thereby restricting investors in future rentals," they wrote, "a city may actively reduce the present value of a property. This is essentially community expropriation in favor of tenants."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Members of the BCA saw that they could take power by exploiting the city's already existing divisions and forging a constituency of former sixties politicos, environmentalists, street people, and neighborhood activists. In addition, there was the most important group of all—UC students, without roots or responsibilities in the community, and especially susceptible to intoxicating rhetoric and idealistic appeals. It took time for them to realize it, but the radicals had been given their victory when 18-year-olds were given the vote: the Twenty-sixth Amendment was the key to a majority coalition that would support the vision—articulated in *The Cities' Wealth*—of expropriated wealth and slow-motion class warfare.

Throughout the mid-seventies, people in the hills talked in hushed tones about the struggle for Berkeley's soul. Yet it was not clear to them exactly what they could do. Traditional liberals did form the All-Berkeley Coalition (ABC, in the evolving alphabet soup of city political groups). But from the outset it was designed as an obstacle, not an alternative.

Black opposition

The major obstacle standing in the way of the radicals was not the liberals, however; it was the blacks of Berkeley's flatlands. There were only a handful of blacks in Berkeley Citizens' Action, most of them opportunists who had seen that the organization's rewards for their ethnicity guaranteed them almost immediate leadership positions. But the BCA had no base in Berkeley's black community, which was deeply suspicious of the radicals and resented what it regarded as their manipulation of racial and ethnic issues. Blacks knew that they had gained from their coalition with white liberals in the 1950s, and were wary of seeing these gains jeopardized. As leading black politician Wilmont Sweeney observed: "The radicals make a mistake. They fail to realize that politically a lot of black people are conservative. It's been tough for them to accumulate capital or property and they're not interested, like radicals, in doing things with one roll of the dice."

For BCA radicals, however, such remarks were "objectively racist," and Sweeney and others like him were simply "bourgeois." They made it clear that their organization would continue to search for its own "authentic" blacks as an antidote to such conservatism. They found one in Eugene "Gus" Newport, who showed up at the 1979 BCA nominating convention looking to become Berkeley's mayor. A newcomer to Berkeley, he claimed to have been a man-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

power-resource consultant in the East and a one-time aide to Malcolm X. During his campaign he billed himself as a pragmatist, but once elected it was clear that Newport was serious only about only one thing: establishing a radical foreign policy for Berkeley. The tenor of this foreign policy was presaged by his first trip as mayor—to Cuba for a conference of "nonaligned" countries, manipulated by Fidel Castro. Soon after, Newport was globetrotting for the World Peace Council, a front originally created by Stalin in 1949 that had resurfaced in the late seventies as part of the Soviet propaganda effort to mobilize opinion against the installation of U.S. missiles in Europe. As Newport showed up repeatedly at WPC events in Czechoslovakia, Sweden, Finland, Spain, and elsewhere, there were jokes about "Galloping Gus" and about the advent of the "People's Republic of Berkeley." But some BCA insiders were not amused; in fact they feared that a significant transition had been made in the organization. "Everything was different," BCA organizer Clifford Fred later said. "There were no longer open discussions inside the organization, no free flow of ideas. You had a sense that someone had forced focus away from local issues toward some kind of party line on 'world peace.'"

As Newport became ascendant, Loni Hancock and other old hands of the BCA faded into semiretirement. But most of Berkeley's activists approved of the new course, and of the slogan that now began to be heard in BCA circles—"Think Globally, Act Locally." After all, the reason that they had seized control of the city in the first place was to make Berkeley a beacon. Nor was there much concern when Newport began to fill key posts in City Hall with members of the local Communist Party. Only a few former New Leftists with a strong historical sense were bothered. "It was ironic," one of them says. "Back in the sixties, we had always had scorn for the communists. They were party hacks, zombies repeating everything the Russians said. We laughed at them. Now here they were in the eighties at the center of things in Berkeley. You didn't know why, and you couldn't say a goddamned thing about it because if you did you'd be accused of 'McCarthyism' or 'redbaiting.' We were prisoners of our own rhetoric."

Some leftists were disturbed by the fog of "solidarity" politics that had descended on the city, but other than a random potshot now and then ("Why don't we get some priorities a little closer to home," black BCA member Jerome Wiggins once asked, "like maybe a sister city in the South Bronx?"), few spoke out openly against it.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Many blacks remained suspicious of white radicals who had destroyed the old and, from their point of view, productive liberal consensus. In the words of one-time Carter administration appointee Janet Roche, who grew up in the Berkeley flatlands, "The BCA people feel that if you're not for them, you're against them. Often those blacks they view as against them are people with longstanding involvement in Berkeley politics and real concerns about the livability of their neighborhoods." Her sentiments were echoed by Carroll Williams, a former Yale professor who served as chairman of the Berkeley School Board: "We black people are used by Berkeley's white radicals. It's in the interest of these whites to cite the condition of blacks as the motivating factor in their agenda. But it doesn't mean that blacks fare better under their regime. We're talking about white radicals who want to be the new elite. I don't think they necessarily mean us any harm; its just that we're irrelevant to them—invisible, you might say."

Despite the deepening polarization of the city, Berkeley exceptionalism was shown once again in 1984 when, in the middle of the Reagan landslide, the student-heavy electorate supported the Left overwhelmingly, electing Newport to another term and giving the BCA an eight-to-one majority on the City Council. It seemed as though the BCA could now have its way with Berkeley, and that the half-joking slogan of "socialism in one city" would become a reality. But as one of the few admitted conservatives in town cheerfully observed later on, "They didn't know it, but Thermidor had arrived."

The costly results of radicalism

If it was still not safe to criticize the BCA's foreign policy, Berkeley residents could and did point out that some domestic matters were getting neglected, notably the city's much-discussed streets, which were cratered with potholes, and its sewer system, which was decaying rapidly. Crime had also risen astronomically—some thought because of radical views on criminals and the criminal-justice system. On the streets of South Berkeley, the open bartering for narcotics raised disturbing echoes of the 1969 Berkeley Liberation Program's insistence on support for "the people's right to drugs." In 1988 a study would show that Berkeley was one of the five most crime-ridden cities in America, joining Detroit and other urban heavyweights on that list.

Radical governance had also led to an appalling waste of money. Some $2 million had been spent on the recycling of solid waste during the ascendancy of the BCA, for instance, money that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

was supposed to result in a recycling rate of 59 percent, but had achieved only about a quarter of that amount—about the same rate as neighboring communities that had spent only a fraction of what Berkeley had on recycling.

Newport himself had also become fair game, because the city, for two decades a theater, had become under his administration a theater of the absurd. Early in his administration, for instance, he had invited a company that manufactured electric cars to relocate in Berkeley as an example of the enterprise that could flourish in a place that had rejected American greed, only to discover after much fanfare that the head of this New Age business had a record as a white-collar criminal. There were investigations of his misuse of city funds during his radical junketing to Soviet-bloc countries around the world.

There was also growing disillusion over the fact that the BCA, for all its talk about morality, acted like any other political machine once in power, a sort of radical Tammany packing a proliferating array of city boards and commissions with time-servers who played an increasingly important, although largely invisible, policy-making role. The recycling companies that got city contracts were large BCA contributors. BCA councilmembers voted themselves large expense accounts and then used the money to make contributions to Congressman Dellums and the radical causes he favored.

When the BCA took over administration of some federally funded low-cost housing units on an attractive South Berkeley site called Savo Island, applicants had to fill out lengthy questionnaires that asked, among other things, for a list of the local organizations in which they had worked, a veiled invitation to show how "progressive" their politics were. To no one's surprise, BCA rank-and-filers often got these choice units, while poor people whose politics happened to annoy BCA functionaries got evicted.

If the BCA knew how to reward its friends, it also didn't hesitate to punish its enemies, especially those who turned up within its own ranks. One of them was Myron Moskowitz, a lawyer who not only had worked with Cesar Chavez in the sixties and the seventies but had also drafted Berkeley's draconian rent-control law and defended it successfully before the California State Supreme Court. Moskowitz's mistake was to tell a newspaper reporter that he thought a BCA plan to extend rent control to commercial properties on Telegraph Avenue would reward economic inefficiency. He immediately received a call from a BCA functionary upset over his comments. Moskowitz noted that the organization, with its huge majority on

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the City Council, could scarcely be hurt by a little opposition. "You don't understand," he was told. "We don't want any opposition *at all*." Soon after this conversation, a proposal to honor Moskowitz for his fight on behalf of residential rent control was dropped from the City Council's agenda, and when it came time for the city rent-control law to be argued before the U.S. Supreme Court, Moskowitz was excluded from the legal team.

Episodes like this led some to whisper that the BCA was Stalinist, although the stigma against redbaiting made "arrogant" the only acceptable term in public discussion. By 1986, however, questions were being raised not only about the style of the organization, but also about its radical program.

Not even rent control, which had until then been treated as a sacred cow, escaped scrutiny. Rent-control laws had become ever more strict during the decade they had been in effect in Berkeley, specifying who and what was covered, eliminating the loopholes through which some landlords tried to avoid registering their properties, and increasing the penalties for those who took advantage of tenants. Berkeley prided itself on always being a step ahead on this issue. When California's state legislature passed a bill allowing evictions when a landlord sold his house, for instance, the Berkeley City Council immediately responded with an ordinance mandating six months' notice, a relocation fee of $4500 per eviction, and other measures to aid tenants.

Landlords and libertarians had always been critical of rent control, of course, claiming that it fomented conflict while also diminishing the incentive to build new units and creating a bloated and self-serving bureaucracy. (Receipts from obligatory registration fees, which had risen from $12 a unit in 1980 to $80 seven years later, had given the Berkeley Rent Board a budget of more than $1 million by 1988.) Yet now rent control was suddenly under attack from the left as well as the right, in a study entitled *Who Benefits From Rent Control?*, published in 1987 by an Oakland-based advocacy group for the poor.

The study showed that the chief beneficiaries of rent control were middle-aged and middle-class whites, not low-income people. Author Richard Devine demonstrated that Berkeleyans spent an unusually large percentage of their income on luxuries such as stereos and jewelry. They also ate out far more frequently than the norm, a fact that had probably led to the success of the city's celebrated "gourmet ghetto" that radiated outward from Alice Waters's acclaimed Chez Panisse. In other words, rent control subsidized the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

conspicuous consumption of progressive middle-class whites. Radicals who in other contexts readily admitted that eating well was the best revenge rushed to deny this implication of Devine's work, until someone pointed out a statement made in 1985 by Marty Schiffenbauer, one of the architects of Berkeley rent control: "This city has had enormous success for the last five or ten years based on the gourmet food business, and I think rent control has a lot to do with it."

The study also noted that there had been a disastrous decline of housing during the era of rent control, with rental assets being taken off the market and an average of less than five privately-financed units a year being built in what had previously been one of the best rental markets in California. As a result, Berkeley's homeless population had mushroomed. ("The policy has had the perverse effect of exacerbating, rather than alleviating, tenants' problems, because it has discouraged for-profit housing developers from investing . . . and has stimulated the conversion of rental units to owner occupancy.") The final conclusion of *Who Benefits From Rent Control?* was devastating: "Passed by a majority of middle-class voters who clearly promoted their self-interest, but under the fabrication that they were responding to a 'housing crisis' . . . this policy has had the perverse effect of institutionalizing the problem it is supposed to solve."

Destroying a school system

BCA radicals could rationalize the bad news about rent control. But a far more serious indictment of their regime came from Berkeley parents who now charged that the organization was destroying a school system that had until a few years earlier been regarded as one of California's finest.

Berkeley's commitment to integrated high-quality education had been compromised even before the BCA took power at the School Board. In 1971, bowing to pressure from radicals under the sway of black power, school administrators had obtained grants totalling some $7 million for a series of experimental mini-schools that would emphasize ethnicity. Favored by radicals who thought integration was no longer chic, these mini-schools—places where blacks would study blackness and Hispanics *chicanismo*—upset parents who worried that the school district would be racially and intellectually balkanized. These fears were dismissed at the time as reactionary, but by the mid-seventies, test scores and other evaluations showed that the program, which had monopolized the atten-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion of the school district and caused considerable conflict among students, was indeed an academic fiasco. The two most important mini-schools, Black House and *Casa de la Raza*, were both shut down by the federal government because, ironically enough, they promoted segregation. The experiment had wasted millions of dollars, and the assumptions about "cultural nationalism" on which it was based had demoralized the school system as a whole. Louise Stoll, the "radical" member of the Berkeley School Board at that time, now says that the problem was knee-jerk acceptance of the radical-chic black-power ideology: "Nobody even thought about the impact all this would have on a district which a year and a half earlier had embarked on the most important experiment in education in America—the voluntary desegregation of an entire system."

By the early 1980s a sense of incoherence had gripped a school district that had once had an unusually strong sense of purpose. A community that in the early sixties had voluntarily raised its taxes and transported students all over the city to achieve integration now witnessed the massive defection of children from the public-school system. The number of private schools had risen from six in 1970 to twenty-three by 1985, when some 22 percent of Berkeley students were being educated privately—more than twice the state average. Nor was it only white children who were deserting the Berkeley schools: high-achieving children of all ethnic backgrounds were leaving, their parents voting "no" with their children's feet and their own pocketbooks. Black parents who left their children in the district were dismayed by test scores showing that their children began kindergarten equal with white Berkeley children and well above the national average, but by the ninth grade had slipped far back to the 23rd percentile while white students continued to move forward. Most black parents rejected the notion that "institutional racism" was to blame, seeing it as another white radical cliché.

The Berkeley schools faced a fiscal crisis as well as an educational one. Berkeley got over $500 a year more per student than comparable districts and its teachers were among the lowest-paid in the state, yet the district was in chronic financial difficulty. In 1983 the BCA, which now had a majority on the School Board, unveiled a plan to solve the district's money problems by closing schools.

But most parents suspected that saving money was not the only or even the most important reason for BCA support of school closings. As the debate over schools sharpened, many became convinced that the radicals were using the financial crisis as an excuse to inflict further punishment on the despised hill liberals.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

This argument became compelling when two of the schools that the superintendent had recommended for closing, but which happened to be in BCA electoral strongholds, were spared. BCA School Board members closed hill schools in their place, including John Muir School, a Berkeley landmark that the school district had recently made earthquake-proof at a cost of nearly $2 million. Because of its physical beauty and good staff, but most of all because of its active parents' group, John Muir had been judged worth the expense. It was, in fact, generally acknowledged to be the model school in the Berkeley system. Parents from the primarily white hill neighborhood volunteered at the rate of two per classroom each day. More importantly, in an era of declining school budgets parents had raised some $30,000 to rebuild the school playground and were providing over $15,000 a year for a variety of art and science enrichment activities.

"Virtually no black parents were for closing Muir," says Carroll Williams, black School Board president and opponent of the BCA majority at the time of the furor over closings. "Half the students were black, bused up there under the integration plan. The parents of these children realized what benefits their kids were getting from schools where white parents pitched in with all this extra participation and enrichment."

Parents formed protest groups and launched lawsuits to preserve John Muir. The BCA School Board members withstood a recall, but the controversy continued, heating up when the next—and many Berkeleyans came to feel, always the ultimate—step in the BCA plan was revealed: to put low-cost housing on the sites of the closed schools. The advantages to the BCA were clear: housing was power, part of the city's wealth. Low-cost units would become part of their patronage—a way, in the words of disaffected radical Peter Tannenbaum, "to build little condos they can fill with their cronies." Using school sites for low-cost units would also, BCA strategists quixotically believed, allow them to help redress the fact that nearly a quarter of Berkeley's black population had left the city in the radical decade 1970-80, many of them cashing in on homes bought forty years earlier and now worth many times what they had originally cost, because of the gentrification of formerly all-black neighborhoods. The departure of blacks had undercut the BCA's ideological foundations: a city without blacks would be a city without anyone to "help." As Barbara Lubin, a BCA School Board member, said with unwitting candor: "The thought of living with 100,000 white people who eat at Chez Panisse every night horrifies me."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The idea of schools being closed and then razed for low-cost housing notably increased the bitterness of the debate over education in Berkeley. In the middle of the furor, resistance to the BCA began to form in the "neighborhoods"—areas in the city with strong common bonds and a history of unified political action over issues such as installing traffic barriers and engaging in joint action to stop the spread of hospitals.

The BCA leaders responded to criticism by attacking the neighborhood people for practicing "sandbox politics"—that is, for thinking locally instead of globally. At the height of the conflict, Barry Wofsy, one of the leaders of the neighborhood movement, observed: "The BCA are masters at manipulating symbols and language. No matter what side of an issue you're on, you're a 'racist' if you're not with them. Our real sin as far as they're concerned is to see Berkeley as a place to live in rather than as a 'model for socialism.' They're progressives everywhere but Berkeley. Here they're reactionaries."

In the spring of 1986 a large coalition of irate parents and neighborhood activists fought back against the BCA by placing an initiative on the ballot that mandated the election of Council members by district, thus attempting to break the hold that slate politics had given the BCA over city government. Although the measure originated in the black community, the BCA fought against it, with Dellums going so far as to recruit Jesse Jackson to denounce it in a series of radio advertisements. But voters regarded the measure as an antidote to the grandiosity of the BCA, and it passed.

In the general election that fall, the BCA ceded the School Board to a group of independent candidates representing a coalition of concerned parents. Instead, the organization concentrated on the City Council and on a candidate to replace Gus Newport, who realized that he had worn out his welcome in Berkeley and was preparing to go back to Massachusetts. They settled on Loni Hancock, who had worked as a low-ranking official in ACTION in the years since her semiretirement from Berkeley city politics.

The pseudo-environment

Narrowly elected in November of 1986, a few weeks later Loni Hancock was presiding over a City Council meeting a few weeks later at which homelessness was on the agenda and a large contingent of Berkeley's homeless was present. The new mayor had indicated soon after taking office that unlike her confrontation-oriented predecessor, she liked "win-win" solutions, a bureaucratic view of the world which, as one observer noted maliciously, made

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

for "yawn-yawn" City Council meetings. This particular meeting, however, had quickly slipped out of Hancock's control. She tried to calm the volatile situation by reminding the homeless of Berkeley's reputation for compassion and by reciting homilies about how the "heartlessness" of the Reagan administration was responsible for the national housing problem. But the homeless kept interrupting and hectoring her about their problem as if she were just another official and not the head of a radical administration. Becoming more and more rattled, Hancock finally blurted out, "Look, if we can't have order here, we'll just end the meeting and go home." One of the homeless shouted, "How can we do that? We don't have a home!"

This moment, immediately acknowledged as a classic by connoisseurs of the looking-glass world of Berkeley politics, showed the extent to which the city had become what Walter Lippmann had in mind when he talked about the development of the "pseudo-environment" —a place governed by a fictionalized version of reality. In Berkeley reality is dominated by radical schemes and schemers, creating a surreal context in which events such as the mayor ordering the homeless to go home are the order of the day. In the pseudo-environment international issues dominate while the problems of daily life are ignored. In the pseudo-environment a large bureaucracy is needed to administer the radical vision, and an imperial mayor must have five full-time aides—four more than the Berkeley mayor had when the radicals came to power.

Berkeley has always been a place with immense human resources, a place distinguished by inventiveness and iconoclasm. But in the pseudo-environment these qualities have been submerged. After two decades of radicalism the city seems to be rich only in radical rhetoric and sister cities. Even radicals impatient with fiscal matters are beginning to find it significant that Berkeley's budget of over $140 million is about twice as large as that of Hayward, a neighboring town of comparable size, which appears to deliver more of the services that a municipality is supposed to provide.

The contest between those who want Berkeley to remain a pseudo-environment and those who want to turn back toward reality is a fierce one. Reformers found this out after recently capturing control of the School Board. They have to deal not only with a system so battered financially that its budget is overseen by a state-appointed trustee, but also with one whose intellectual atmosphere continues to be contaminated by the same old toxins. The new Board members —self-identified liberals who were disenchanted with BCA policies— are regularly charged with "racism" by BCA agitators who attend

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

School Board meetings to defend the revolution. They must deal with sideshows such as the furor caused when a black nationalist, invited by radicals to speak at a compulsory assembly at Berkeley High School, attacked Western culture (including the philosophy of "that faggot Aristotle") as a set of ideas and values "stolen" from Africans. Leftist clichés have infected learning from the very first grade, where the peace curriculum has made the tale of Little Red Riding Hood an occasion for teaching "conflict resolution." Could the Wolf and Little Red Riding Hood have settled their differences amicably? Could Little Red Riding Hood have talked the Wolf out of violence? Was she guilty of stereotyping?

The pseudo-environment is strong because it is buttressed by a constant supply of new plans and proposals designed to exhaust and finally overwhelm the proponents of reality. Defeated on the plan to make Jabalia a sister city, for instance, the city's Peace and Justice Commission came right back with a new recommendation that Berkeley stop keeping U.S. Treasury bonds in its portfolio, because of a scholastic interpretation of a 1986 ordinance that prohibited the city from doing business with companies making nuclear weapons. Meanwhile, Mayor Hancock and other BCAers trying to make the organization seem technocratic rather than ideological began to push a redevelopment scheme that would declare South and West Berkeley flatlands "blighted," thus enabling the city to get millions of federal dollars with which to remake Berkeley demographics through BCA housing schemes. As with other radical plans, this one has increased civic polarization, causing more neighborhood defense committees to be formed and more citizens to band together lest the circumstances of their daily existence—where and how they will live—be affected by the radicals' plans.

Indeed, a large part of Berkeley's problem appears to be that so many people are so deeply involved in city government. All those not permanently alienated, one is tempted to say, are involved —but involved in a febrile, almost obsessive way. The involvement encouraged by the radicals has led to cynicism rather than citizenship, to a pervasive sense of civic exhaustion rather than a sense of the rewards of creative civic participation. It is an involvement based on anger and animosity, and it has produced few benefits and many casualties, chief among them the painstakingly evolved techniques for handling conflict—techniques that, along with native imagination and tolerance, once made Berkeley a great and unique city. As UC professor and Berkeleyologist Joseph Lyford has pointed out, the city is now characterized by an atmosphere that is moral-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

istic rather than moral, coercive rather than persuasive. The most salient accomplishment of radical governance in Berkeley has been to polarize instead of reconcile, to transform common political ground into a barren no man's land of unremitting combat.

One can document the civic decline caused by the radical assault on Berkeley by meticulous study of the archives of the last quarter century, which record the divisive initiatives, the feuding slates, the petty conspiracies, and the constant struggles. Or one can simply take a stroll through People's Park, a place that has always symbolized the radical dream. A great many fatuous statements have been made about this place, both at the time it caused a municipal apocalypse and since. (In a recent book, Berkeley activist Todd Gitlin called it a little piece of "anarchist heaven on earth. . . , the one tantalizing trace of the good society.") Yet to visit People's Park now is to see the radical dream revealed for what it is: a place ruled by the desperate and the derelict—not just the beaten and disoriented homeless, but an underclass of predators who appear especially after nightfall.

The Berkeley Police Department must periodically issue warnings urging students to be careful when going near the park because of the threat of muggings and rapes. The fittest who have survived here over the years are not hippie horticulturalists planting peace, love, and good vibes, but drug dealers taking care of business. Followed around People's Park recently for an hour or so by a reporter from the *San Francisco Chronicle*, Berkeley police officer and park patrolman Robert Seib pulled a wad of thirty-five color photographs out of his pocket, looked at the groups of men aimlessly drifting around the area and said, "These are mug shots of dealers. And they're all people who are dealing out here." Seib pointed out a row of young men lounging in the sun, near the sidewalk. "Those are the runners," he said. "They take the buyers to the dealers, who are over there, near the trees. . . ."

In the face of such developments, it is little wonder that many Berkeley residents, even some who cannot bring themselves publicly to renounce the commitments of their youth, feel chastened by the experience of socialism in one city and have come away with more modest expectations.

A few miles away from People's Park is another piece of green, much smaller, named Ohlone Park but usually referred to as the Dog Park because it has been set aside as a place where the city's leash law does not obtain. Not long after the fight about making Jabalia a sister city was over, but before the fight on redevelopment

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

began, Pam Ferguson, one of those most responsible for creating Ohlone Park, stood in a corner watching the dogs serpentining through the park with lolling tongues and what seemed to be smiles on their muzzles. She talked about how, when the park first opened, there was the usual Berkeley rhetoric, including xeroxed handouts about how the animals would "exist harmoniously once separated from their owners' ethic of possessiveness." But here too high expectations have been undercut by reality.

"Some people were sure that the dogs would prove to be egalitarians," Ferguson says. "But they aren't. They come here and immediately join the pack, which is a strict hierarchy controlled by the top dog. The upshot is that they have a great time, but they aren't really very progressive. It was a hard lesson for some of the radical pet owners around town to swallow. Not only have we failed to create the New Man in Berkeley; we haven't even created the New Dog."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A pro-family income tax

ALLAN CARLSON

IN A RARE MOMENT of consensus, liberals and conservatives passed and subsequently praised the Tax Reform Act of 1986 and the move toward a flat income tax that lies at its heart. The reform "flattened" the tax code not only in the sense that it reduced the number of tax brackets and the differences between them; it also sought to eliminate distortions of behavior produced by special tax breaks and loopholes. The consensus that emerged included the newly rediscovered conviction that the tax code should strive simply to collect revenue rather than to reward or encourage certain types of financial or social behavior.

Since then, the domestic-policy debate has turned from taxes to families. Three basic approaches to family policy have emerged. Proponents of an "in-kind" approach tout the efficiency of having the government directly provide certain services, such as day care and health care. Others stress corporate benevolence, with businesses being encouraged or forced to provide day care and parental leave as standard employee benefits. The third approach to family policy focuses on family incomes, recognizing that the welfare of children is heavily dependent on the spending power of their parents. Although this "in-cash" method can take the form of minimum-wage laws or children's allowances, its application to tax policy, while contradicting the aims of the Tax Reform Act, could be surprisingly effective.

Family advocates were supposed to be happy about the Act. After all, it raised the personal exemption, over several years, to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

$2,000—double its prior level—in order to lessen the tax burden on families with children. The measure also increased the eligibility ceiling for the Earned Income Tax Credit, a clever tax measure that helps the working poor with dependent children by refunding a sum keyed to their payroll tax. In addition, the Act reduced marginal income-tax rates, a move made easier by the elimination or restriction of various deductions and credits. The top effective tax rate fell to a little over 30 percent, well below the 70-percent figure of the 1970s. Reform enthusiasts said that this reduction was good for families because it increased their discretionary income.

It is not at all clear, however, that families were net winners in 1986. The Act repudiated the idea that the tax code is a fit vehicle for social policy. It is true, of course, that tax policy can be used for undesirable, counterproductive, or downright stupid ends. But there is also evidence that tax policy can play a positive role in strengthening families, and that people do respond to these tax incentives. In the late 1930s and early 1940s, for example, the federal government developed tax policies to encourage Americans to buy rather than to rent their homes: property taxes and mortgage interest were made deductible, and, more importantly, imputed rent—the invisible income that an owner derives from residential property—was excluded from taxation. These policies reflected Congress's desire to foster widespread property ownership, a modern effort to recast the Jeffersonian dream of a nation of yeomen farmers and their families.

Critics of federal housing policy have charged that these tax measures disproportionately benefit the rich, and they are right. Yet such objections can be satisfied within a progressive tax system, wherein the wealthy can offset the high tax rates facing them only by carrying out the socially beneficial actions encouraged by the tax code—which also provides for a generous cap on the deductible amount.

The housing policy had desirable results. Economists Harvey and Kenneth Rosen have calculated that 25 percent of the growth in home ownership since 1945 can be explained by tax incentives alone. Similarly, recent simulations have shown that the elimination of these tax benefits would sharply reduce home purchases, reweighting incentives in favor of rental units.

Postwar tax reform and the baby boom

Another example of successful pro-family tax policy was the basic restructuring of the tax code that occurred in 1948. This reform was strongly pro-marriage; it made the married couple, rather than

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the individual, the standard unit of taxation, and it introduced "income splitting" by permitting joint returns. With joint returns, the combined income of a married couple could, in effect, be divided so that taxes would be paid on each half regardless of the real distribution of income between husband and wife. This reform sharply reduced the net tax paid by married-couple households. It created a "marriage bonus"—or "singles' penalty," depending on your point of view.

The 1948 Act was also strongly pro-child: it raised the personal exemption from $200 to $600 per family member, in a conscious attempt to relieve the financial burdens of parents with numerous children. Given prevailing income levels, this single provision effectively removed most American families with three or more children from the tax rolls.

The 1948 reform also imposed a high marginal tax on market labor—especially on the real or potential labor of a second earner—and so encouraged what the economists call "home production." Home labor—be it child care, cooking, cleaning, canning, or gardening—enjoys at least one clear advantage over market work: it is not subject to income tax. A progressive income tax with a joint-filing provision discourages market employment and encourages home labor, because the tax rates faced by a household's potential second earner are conditioned by the income of the first earner.

This frequently overlooked economic incentive can be a very powerful tool. In the early 1970s, for example, Reuben Gronau of Hebrew University calculated that in households with a child under age 6, the value of the full-time homemaker's production probably exceeded the average after-tax income of a full-time working woman of the same age. Sociologist Janet Hunt has shown that the net effect of higher marginal tax rates is to encourage the substitution of home production for market production; faced with higher taxes on additional income, families will choose to grow more vegetables and eat less often at McDonald's. She calculates that with a one-point increase in marginal tax rates, the average woman will work thirty-nine fewer hours annually in the marketplace, and devote twenty-nine more hours to home production. The family defends its living standard by turning toward home.

In a curious way, then, high marginal taxes under the 1948 tax code encouraged greater family self-sufficiency, increased domesticity, and may even have had a hand in sustaining the baby boom through the 1950s. Critics of home production contend that such home-centeredness comes at the price of efficiency: market produc-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion is specialized and creates economies of scale, while home labor is that of the generalist. If one looks at the production of light bulbs or shoes, this is undoubtedly true. But if one looks at the types of home labor essential to "human capital formation," it is at least arguable—and possibly provable—that good home care of children is better for them and the nation at large than good institutional care.

Marriage penalty, singles' penalty

Recent decades, though, have witnessed the dismantling of these pro-family aspects of the U.S. tax code. The Tax Reform Act of 1969 responded to complaints about the "singles' penalty" under existing law by slashing tax rates for the unmarried. This move inadvertently created the notorious "marriage penalty," under which a two-earner couple in some circumstances must pay higher net taxes if they are married than if they are single. Successive increases in the standard deduction and a high rate of inflation also reduced the real value of the personal exemption, exerting a particularly strong negative pressure on families with children.

Finally, the tax-law writers chose to favor market labor over home production. One of their goals was to reduce the disincentive to market work facing women under an income-splitting system. As June O'Neill of the Urban Institute put it, "a system of joint filing is likely to discourage the market employment of married women." Experts also argued that the failure to tax home production encouraged people to produce their own goods and services instead of buying them, which reduced the potential tax base. But since it was impossible to tax home production directly, given the difficulties of measuring home labor, policy architects chose instead to give targeted tax cuts to households with working wives, which had the same effect.

Thus, for instance, Congress increased the child-care tax deduction in 1972, and replaced it with the child-care credit in 1976. The basic goal of these reforms was to equalize the tax treatment of purchased and home-based child care by making both kinds of "services" tax-exempt. Similarly, Congress's attempt to reduce the "marriage penalty" in 1981 tax legislation (by permitting a partial deduction on the second income of a two-earner household) was justified by experts in the same way: it was an indirect way to tax the extra "implicit income" produced by home labor of the one-job couple. Through its flattening of the tax-rate schedule, the 1986 Tax Reform Act also created incentives against home labor and encouraged market production.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

This analysis highlights the particular problems and choices facing those who would use the income-tax system as a vehicle for family policy. Drawn out more systematically, these questions are:

Which to tax: the individual, or the family?

If we choose the individual, we avoid many technical complexities. Unfortunately, an income tax based solely on individuals discourages marriage and family living. After Sweden shifted its tax structure from a "family" to an "individual" basis in the early 1970s, the nation's marriage rate fell by 40 percent in a mere two years. (While independent cultural trends were clearly involved, Swedish feminist Annika Baude labelled this single policy change as the critical turning point "in the struggle for the liberation of women in Sweden," for it eliminated the economic benefits of formal marriage.) In addition, putting taxation on an individual basis generally gives a boost to the wealthy (a "Yuppie" bias, if you will) and violates another general rule of tax fairness: equal living standards should be taxed equally.

If we choose the family basis, we must face the problem of "quasi-families"—such as cohabiting couples. Yet this problem of definition can easily be resolved by rigid adherence to the "legal marriage" standard. The so-called "singles' penalty," which also results from a family focus, is a red herring. The tax benefit accruing to a married couple under income splitting is in almost all instances accompanied by a decrease in the disposable income of the better-off spouse; marriage offers the most tax advantages to a high-income person who marries someone with no income at all. Yet for the high-earning single, marriage also means a reduction in the income available for exclusively personal spending. In a sense, the better-off spouse has voluntarily agreed to redistribute some income through marriage—a desirable social goal.

A tax on children?

Is having children merely a free consumption choice, or does this decision deserve preferred tax treatment?

There are libertarians on the right, and feminists on the left, who view children as merely one way of consuming income: some people have Afghan hounds and BMWs, while others have kids. There is no valid reason, they say, why childless taxpayers should support those who freely choose to rear children. Some even argue that since children deliver "psychic income" to parents, such as cud-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dles and smiles, the parents ought to be taxed for having them. For their own reasons, opponents of population growth also advocate a tax on people who have children.

The alternative, of course, is to argue that children deserve preferred tax treatment. The bearing and rearing of children is of tremendous importance to society; it is reasonable to expect that government should help couples who are raising children. Indeed, favorable tax treatment for families with children may be necessary to preserve Social Security, the very financial integrity of which depends on a steadily growing, or at least stable, population. In this light, child rearing appears less as a form of private consumption and more as a vital public service provided by families to society as a whole.

Should the tax system attempt to compensate "two-earner" households for their lost home production?

Analysts who say yes argue that tax policy should emphasize the unity of "earned market income" and "imputed income"; they cannot see why one should be taxed and not the other. They also see no philosophical boundary between the "public marketplace" and the "private home." Those who say no see a clear and necessary boundary. They are unwilling to concede that any government has a rightful claim on each citizen's every minute. While somewhat arbitrary, setting the boundary at the hearth is a historically sound and definable way of separating "public" from "private." In addition, the subsidy provided the two-earner household through provisions like the child-care tax credit disregards another hidden economic factor: the huge "opportunity cost" facing a parent caring for children at home. Such a parent must sacrifice extra income and possible future career advancement; in most cases, this sacrifice more than offsets the "imputed income" of home-based care.

Existing attempts to compensate for "imputed income," moreover, are riddled with flaws. In an important paper, tax specialists Michael McIntyre and Oliver Oldman show how the existing child-care tax credit violates its own theory. "If self-performed child-care services were really income," they write, "the proper adjustment would be a huge [credit] for taxpayers without children," a much smaller credit for parents using day care, and nothing for the traditional family. They offer the same criticism of solutions to the "marriage penalty": if the allowance for two-earner couples were actually an adjustment for relative amounts of leisure and home production, it should also be available—and massively so—to single persons. The logical result in both cases would be crushing taxes on marriage

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and children, with single persons left virtually tax-free—an odd tax structure indeed.

A wiser tax code

What would a contemporary, pro-family income-tax policy look like?

Some advocate a pure flat tax, emphasizing its relatively small interference with efficient market processes. Yet it is unclear that a flat tax would benefit family life. A flat-tax approach would solve the marriage/single problem by taxing all people—whatever their status—at the same rate. This result, however, would come at the cost of transferring part of the tax burden from the wealthy to the middle class. Incentives to home ownership, marriage, and having children would also be lost. Curiously, a flat tax—if set at a sufficiently low figure—might even diminish family autonomy by encouraging a further move away from home production, to the gain of the taxed public marketplace.

From the perspective of the family, a superior approach would involve a somewhat progressive income-tax structure that recognizes and supports marriage. This would mean firm adherence to the income-splitting provisions found in the 1948 reform, with a rate schedule ranging, say, from 10 to 45 percent.

A pro-family income tax would also end efforts to use the tax code to "balance" one-earner and two-earner households. The extra "imputed income" from household production that the one-earner family enjoys seems more than offset by the "opportunity costs" that the family also carries. In any event, since both are effectively unmeasurable, the federal government should not build its tax code around them.

Finally, the tax system should give strong preference to children as national treasures, in a manner that affirms parental responsibility. Some, such as Harvard's Lawrence Lindsey, propose incremental changes in the existing child-care tax credit that would retarget tax benefits toward the relatively poor and single parents. But while superior to existing law as welfare policy, such an arrangement would do little to reinforce family autonomy and might actually work to increase the number of female-headed families; you usually get more of what you subsidize.

A better solution would be a series of universal deductions and credits that depend on the number and age of children in each family. Congress should: (1) double the personal exemption, for children only, from the current $2,000 to $4,000 per child; (2) expand the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

child-care tax credit into a universal credit set at a fixed amount of $750 per child, available to all families with a preschool child (this credit could also be made refundable to those without tax liability); and (3) create an additional universal Dependent-Child Tax Credit of $600 per child. If necessary, these tax cuts could be matched by tax hikes within the progressive rate schedule here proposed.

Such a tax code recognizes that tax structure does influence human behavior. It would help children and strengthen families.

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION

(Required by 39 U.S.C. 3685)

1A. Title of Publication: *The Public Interest*. 1B. Publication No.: 00333557. 2. Date of filing: October 18, 1988. 3. Frequency of issue: Quarterly. 3A. No. of issues published annually: Four. 3B. Annual subscription price: $18.00. 4. Complete mailing address of known office of publication: 1112 16th Street, N.W., Suite 530, Washington, D.C. 20036. 5. Complete mailing address of the headquarters of general business offices of the publisher: 1112 16th Street, N.W., Suite 530, Washington, D.C. 20036. 6. Full names and complete mailing addresses of Publisher, Editors, and Managing Editor: Publisher, Warren Demian Manshel, *The Public Interest*, 1112 16th Street, N.W., Suite 530, Washington, D.C. 20036. Editors, Irving Kristol and Nathan Glazer, *The Public Interest*, 1112 16th Street, N.W., Suite 530, Washington, D.C. 20036. Managing Editor, Joel Schwartz, *The Public Interest*, 1112 16th Street, N.W., Suite 530, Washington, D.C. 20036. 7. Owner: National Affairs, Inc. (nonprofit), 1112 16th Street, N.W., Suite 530, Washington, D.C. 20036. 8. Known bondholders, mortgagees and other security holders owning or holding 1 percent or more of total bonds, mortgages or other securities: None. 9. The purpose, function, and non-profit status of this organization and the exempt status for Federal income tax purposes has not changed during the preceding 12 months.

10. Extent and nature of circulation:	*Average no. copies each issue during preceding 12 months*	*Actual no. copies of single issue published nearest to filing date*
A. Total no. copies:	10,817	10,785
B. Paid circulation:		
1. Sales through dealers and carriers:	838	756
2. Mail subscriptions:	6,846	7,450
C. Total paid circulation:	7,684	8,206
D. Free distribution:	424	423
E. Total distribution:	8,108	8,629
F. Copies not distributed:		
1. Office use, left over, etc.	2,197	1,512
2. Returns from news agents:	512	644
G. Total:	10,817	10,785

11. I certify that the statements made by me above are correct and complete: Joel Schwartz, Managing Editor.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Notes from underground: the failure of urban mass transit

PETER GORDON & HARRY RICHARDSON

DOOMSDAY FORECASTS of crippling traffic jams now dominate discussions of urban development and form the basis of some very expensive transportation proposals. The Southern California Association of Governments, for instance, recently forecast that by the year 2000 the average rush-hour freeway speed for the Los Angeles area will fall from 35 mph to 17 mph. Under the banner "$42 Billion Needed to Avoid Future Gridlock, Report Says," the *Los Angeles Times* recently wrote that

> even with severe restrictions on future driving, it will take massive spending on new freeways and transit to prevent the daily traffic catastrophe that many fear will define life in metropolitan Southern California by 2010, a new report . . . says. . . . More than $42 billion in construction is needed just to keep the freeways running close to today's average speeds, *already among the worst in the nation* [italics added].[1] If planners cannot alter where population growth and new jobs occur, and if drivers are not forced to change their habits, the cost could soar over $110 billion, the report says.

[1] While speeds may have slowed since 1980, Los Angeles seems to compare very favorably with other large cities. Los Angeles's median commuting time in 1980 was 23.4 minutes; New York's was 30 minutes. Of the top ten metropolitan areas, Los Angeles ranked ahead of all but two according to this measure. It benefits from the dispersion of its population.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Studies such as these have been widely reported in the local media, and their forecasts are generally accepted. Recently these forecasts have been used to support a massive expansion of the public transit system for the Los Angeles area. The capital costs of all transit plans between 1992 and 2010 amount to $43.7 billion. A new subway is now under construction, and plans for more rail transit are being discussed. Before billions of dollars are spent in order to avert a traffic catastrophe, two questions ought to be answered. First, are the predictions accurate? And second, is a subway the solution?

Many of those who fearfully await the arrival of "gridlock" blame suburbanization, long the dominant spatial trend in U.S. cities. This trend reflects how most Americans choose to live, and it has been made possible, in great part, by the range and mobility that cars and highways afford. What the gridlock theorists ignore, however, is that industries are relocating to the suburbs in order to be close to workers' homes. Firms have learned that shorter work trips are a lure, helping them to recruit and retain employees. In addition, managers recognize productivity gains associated with shorter commutes. Today most job growth and even most jobs are suburban. Lower taxes and the greater availability of land in the suburbs have also helped to lure business away from the city. Most commuting today is suburb-to-suburb: in our twenty-five largest urban areas, only 8.4 percent of all jobs are in the central business district (CBD), and fewer than half those jobs are held by suburban residents. (See Table.)

Planners once believed that inefficient cross-hauling would accompany "sprawl," but it is now apparent that suburb-to-suburb trips are likely to be shorter and quicker than those to and from downtown, and that intersuburban routes can relieve some of the pressure on downtown routes. People who live and work in the suburbs—now 45 percent of the total work force—on average face a mercifully short commute of only twenty minutes. (See Table.) Indeed, while suburban labor may be the pull when businesses choose sites, downtown congestion is often the push. Together, the push and the pull have left only 3 percent of the Los Angeles area's jobs in the CBD; San Francisco's CBD accounts for 11 percent of the area's jobs, and the other major urban areas fall within this range.

Even if we consider subcenters of job concentration, we find most jobs widely scattered. We have tried to identify all the subcenters in greater Los Angeles and have found nineteen major foci,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Table. Commuting in America's 25 Largest Urban Areas[a]

Type of commuter (by location of home and job)	*Percentage of all commuters in 1970*	*Percentage of all commuters in 1980*	*Percent change from 1970 to 1980*	*Average daily commute in 1980 (in minutes)*
Commuters living in central city:				
who work in central business district (CBD)	6.6	4.8	− 29.2	33.4
who work in central city	30.1	24.7	− 17.8	25.5
who work outside central city	8.9	6.8	− 23.9	29.9
Commuters living outside central city:				
who work in CBD	3.2	3.7	+ 15.4	42.1
who work in central city	13.1	14.3	+ 9.1	33.0
who work outside central city	38.0	45.7	+ 20.3	19.5

[a] *Source:* Data compiled from U.S. Department of Transportation (1985), *Demographic Change and Worktrip Travel Trends.* Volume II, *Statistical Tables.* Washington, D.C.: U.S. Government Printing Office.

using a broader definition of the downtown than the Census Bureau. Yet together these nodes account for only 17.5 percent of the area's jobs. The other 82.5 percent are so thinly spread that it is hard to identify clusters that resemble traditional "centers." Los Angeles is far from unusual in this respect; many other cities are developing similarly, because this pattern saves commuters time. Suburbanization is part of the traffic solution, not part of the problem. It is not leading to a doomsday gridlock.

Much of this essay deals with Los Angeles, but it is important to recognize that Los Angeles is more representative than exceptional. It is an extreme case only in the wild inappropriateness and the exorbitant expense of its rail-transit plans. But the same trends, such as the fading role of the central business district and the increasing dominance of suburb-to-suburb work trips, exist in all the major metropolitan areas. Although different strategies and investments may be needed in different cities, new construction of suburban-to-downtown mass transit is not justified anywhere.

Using the wrong model

We believe that the premises, the reasoning, and the rhetoric that generate and accompany the dismal traffic forecasts are wrong. The costs of the error, judging by the *Los Angeles Times*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

account, approach the hundred-billion-dollar range for just one metropolis. But many other cities have incurred huge costs because their new subways have failed to attract enough riders to relieve congestion and to avoid massive subsidies. Such mistakes result from overattention to central-city traffic, which, in turn, rests on a misunderstanding of modern urban-development trends.

Conventional urban economics has misled policymakers by encouraging the rhetoric of "gridlock." The standard monocentric model of contemporary urban economics assumes that most jobs are located in the city center. Economists employ this supposition for analytical convenience and rarely subject it to study; they assume that such job concentration offers significant net benefits. The city center, in this model, is surrounded by a suburban ring of housing and roads. The model predicts that the residential ring expands outward as the city grows; average work trips must become longer because the model does not allow for any significant suburbanization of jobs. Moreover, unless the radial transport network can be expanded without limit, additional commuting to the city center will result in more congestion and slower trips.

But much of this is implausible. As we have already pointed out, the monocentric model does not square with reality; it flies in the face of evidence suggesting that employers orient themselves to workers' settlement choices rather than vice versa. We have found no empirical association, furthermore, between city size and traffic congestion. The largest cities do not have the worst traffic—precisely because they have rearranged themselves spatially to alleviate congestion. While the pace of suburban development has sometimes been so rapid that road building and other essential infrastructure investments have lagged behind, time solves many of the resulting traffic problems.

In addition, the conventional analysis overemphasizes the work trip, which is a small and shrinking share of all trips. Much congestion could be relieved simply by rationing "less essential" trips to off-peak hours—perhaps by a system of time-specific tolls, totally neglected by planners.

Why, then, does a faulty model survive? While economists use it for analytical convenience, the model appeals to policymakers because it encourages their tendency to brood over the downtown's demise and to plan big outlays to revive it. Downtown- and transit-boosters have chosen to depend upon this general model of urban economic analysis rather than to refer to the policy recommendations of urban planners such as John Kain, John Meyer, Martin

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Wohl, Martin Wachs, and José Antonio Gomez-Ibanez, who have overwhelmingly and repeatedly argued that fixed-rail systems cannot compete with efficiently priced and well-managed automobile transport, sound bus systems, and supplementary transit schemes like "dial-a-ride" services, jitneys, and van pools.

We have spent $45 billion in federal aid since the inception of the Urban Mass Transit Administration (UMTA) in 1964, and an almost equal amount in state and local subsidies, but the long-term decline in transit ridership persists. The funds have kept a number of inefficient bus operations in existence and have paid the bill for several low-impact rail projects.

New plans for rail systems surface intermittently in spite of the fact that the more one knows about rail transit in America, the worse it looks. There are no major subway markets outside Manhattan. San Francisco's BART (Bay Area Rapid Transit) merits a chapter in Professor Peter Hall's *Great Planning Disasters*. BART ridership now is less than 80 percent of that forecast for 1975; fares cover only about half of BART's operating costs. The costs per passenger trip remain higher than those for taking the bus or driving. Some years ago Melvin Webber predicted that BART might "become the first of a series of multibillion-dollar mistakes scattered from one end of the continent to the other."

Similarly, a one-way ride on Washington's Metro costs, in capital and operating expenses, more than $8 per passenger;[2] although the cost is comparable to that of automobile commuting, taking the subway increases travel time for all but the fortunate few who live and work near subway stations. Clearly, if commuters were expected to pay the full cost of their subway trips, the trains would soon be empty. The relatively poor subsidize the relatively well-off riders, since the subway is financed by sales taxes, which are regressive; in addition, the expected traffic, air-quality, and land-development benefits have proven to be almost nonexistent. Baltimore and Atlanta have new subways that are grossly underused and whose most significant impact has been on the finances of local governments.

What to expect in Los Angeles

Los Angeles is unlikely to be any different. City folklore has it that a cabal between big auto and big oil interests eliminated Los Angeles's "Big Red Car" system in order to sell cars and gas. This

[2] This estimate is based on 1981 data: annual capital costs of $483 million and operating costs of $94.2 million are distributed over 290,000 weekday trips.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

story was recently repeated on CBS-TV's "60 Minutes"; more appropriately, it also figured in the plot of the cartoon movie "Who Framed Roger Rabbit?" But does anyone believe that most Los Angelenos are auto drivers because a conspiracy took the transit option away? Los Angeles's original rail system simply shared the fate of the American transit industry as a whole, losing in head-to-head competition with the automobile.

Transit-planning decisions continue to be made on the basis of pleasant fictions. Opportunistic consultants grind out wholly implausible scenarios and forecasts that are almost always swallowed whole by downtown boosters and the cheerleading media. The consultants responsible for the failed Miami subway (202,000 daily riders were expected, but only about 30,000 use it) had little trouble obtaining lucrative contracts in Los Angeles, for which they made predictions that are no more believable. The developers of Los Angeles's Metrorail predict more riders per mile than any U.S. subway, *including* New York's. The L.A. forecasts look no more realistic when presented on a per-station basis; according to Martin Wohl, if the consultants' numbers are to be believed L.A.'s Metrorail can expect far greater usage per station than Toronto or Montreal. One of the authors (Peter Gordon) has developed a model that predicts ridership on the basis of system and city characteristics, including station spacing, auto-ownership rates, and population density. The model predicts less than one-third of the officially expected ridership.

Neither the transport planners nor the newspapers in Los Angeles have expressed any doubts about the consultants' model. Accordingly, construction is now under way at a cost of at least $250 million per mile (according to consultants' estimates) on the first 4.4-mile "minimum-operable" segment of an 18.6-mile "starter line." This line is intended to be part of a hybrid 155-mile system, most of which will be "light rail"—essentially streetcars. The mix reflects widespread recognition of the intolerably high construction costs of "heavy rail"; even so, a trolley can do nothing that an express bus cannot do better, and for less money.

The 22-mile Los Angeles-Long Beach light-rail line, now under construction, will cost between $600 million and $1 billion. Planners project 54,700 daily riders, yet the *faster* express bus following a parallel route on the Long Beach freeway currently carries fewer than a thousand passengers per day. The express bus will undoubtedly be cancelled when the trolley begins to run, transferring its modest number of passengers to a much costlier and slower system.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

As if the consultants' mistakes were not enough, the subway component of the Los Angeles plan is being built by the Southern California Rapid Transit District (RTD), an agency that has a record of gross managerial incompetence. Recent disclosures have focused on employee drug abuse and absenteeism, a rash of bus accidents, insurance fraud, parts theft, and other abuses. According to the *Los Angeles Times*,

> Record-keeping at the RTD is so flawed that an internal investigation into whether bus parts were stolen had to be dropped because officials can neither produce the parts nor show conclusively that they are missing. . . . The new audit suggests that allegations of theft by employees may never be resolved . . . . Although RTD computers said the parts were stored in a nonexistent warehouse, more than $1.2 million in parts were actually missing or stolen.

In the hands of this agency, the new rail project will probably cost more than the estimated $250 million per mile.

But the headaches will be even bigger when operations begin. With the deficits generated by running a 155-mile rail system, bus services will suffer and fares will rise. The RTD currently operates an all-bus system, which costs about $500 million a year and serves about 1.3 million riders per day. Only about 40 percent of operations are covered by revenues. Current subsidies stand at almost $300 million. Service has been cut back, and fares have recently been increased. The system can only be further damaged by the costs of a rail system. In fact, Los Angeles may be spending huge sums on a project that will actually reduce total transit use. (However, the recent Southern California Association of Governments' *Regional Mobility Plan* [1988] aims for a 19 percent transit share of total trips, almost four times greater than the current share of less than 5 percent.) The people deprived of bus service by the rail project—who, incidentally, will be among the poorest riders—could outnumber the rail system's patrons.

The Los Angeles story is only one of many. Urban rail transit is an 1890s idea, not suited to societies with income levels high enough to sustain widespread auto ownership. Nevertheless, there are currently more than sixty applications before the UMTA for funds to build rail.

Transit management and suburbanization

Costly rail-transit proposals draw on popular frustrations with big-city traffic congestion and rest on the assumption that new transit systems will solve the problem. U.S. politicians and planners love

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to take "study tours" to Tokyo and the European capitals to study their transit "successes." But the Los Angeles metropolitan area has about half Tokyo's population in twice the area; Tokyo's widespread transit use is based on very high population densities. In addition, average Tokyo commuting times exceed one hour and living spaces are minuscule by American standards. Do our planners expect or wish to promote this urban pattern for the United States?

If not, what is the rationale for the argument that transit investments will eventually justify themselves by promoting high-density developments near stations? This argument is beguiling to transit planners because it lets them point to an additional revenue source to help finance subway plans. While the principle is reasonable, planners exaggerate the magnitude of the expected rises in property values by depending on overoptimistic ridership forecasts. For Los Angeles's 4.4-mile project, consultants have become highly creative in inflating the numbers. In an attempt to show a $1.5-billion increase in property values, the consultants double- and even triple-counted: projected land-value increments were added to expected rental increases, these were added to revenue benefits, and so on.

But in any event, none of the postwar subways seems to have significantly changed local development patterns. Whenever a rail system is suggested, transit advocates and their consultants claim that tremendous corridor development will follow. But if transit systems do not generate heavy traffic, development surrounding the stations will be disappointing.

The first of the postwar rail systems, San Francisco's BART, has had twenty years and several gas crises to make an impact. Its environment could be expected to favor rail: San Francisco's population distribution is primarily coastal and linear, water barriers restrict travel routes, and economic activity is relatively centralized. At the time of BART's construction, one-third of the region's jobs were in San Francisco itself; that proportion has since declined to one-fifth and is expected to fall further. In the other subway cities the experience is the same. Development today is predominantly suburban and often far from the rail system's routes.

Apparently recognizing that the customary predictions about development rarely come true, some planners suggest that mass-transit projects be combined with suburban land-use controls to force concentrations of population and employment that would make mass-transit service "efficient." But what type of development pattern do we seek? The widespread and spontaneous trend toward

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

suburbanization suggests that workers and their employers do not wish to live and work in densely populated areas. Mass transit exists for no other reason than to serve the local citizenry; and yet urban planners seem to want to foist undesired living patterns on the population so as to make their transit systems more efficient.

There is no single solution to traffic congestion, and the search for one has exacted high costs. Big-city life has its drawbacks, among them queuing and traffic. The issue is how to balance the social costs of traffic congestion with the costs of doing something about it. Dreams that others—such as the federal government or imaginary converts to public transit—will bail us out have no place in the discussion.

Nineteenth-century transit schemes are increasingly irrelevant in the dispersed and decentralized modern American city, which is why, time and again, new urban rail systems have failed so spectacularly. But this view is too unpopular to receive a fair hearing in an atmosphere charged with boosterism. Transit proposals are associated with the drive to put an empty convention center into every major American downtown and to overinvest in downtown renewal. With rare exceptions, these anachronisms have been expensive and wasteful. The support they garner is based on a misunderstanding of American cities. The downtowns of the 1890s cannot be re-created. Collectively, most Americans have chosen to live and work anywhere but downtown.

Is there then no relief from traffic congestion? There is no simple answer, but some trends and some policies can help us. Since, in the end, suburbanization and decentralization are potent traffic decongestants, planners and politicians should facilitate these spontaneous processes. There are suburban congestion spots, but they reflect the overallocation of metropolitan transportation investments to central core areas instead of suburban locations. Problems arise when restrictive zoning measures prevent industrial deconcentration or when "slow-growth" or "growth-control" policies limit it. Most growth controls tend to counter the natural tendency for businesses and residences to be located together in newly settled areas; to the extent that they do so, the result is longer trips and deteriorating traffic conditions.

Metropolitan transportation planners should begin by improving the management of transport facilities already in place. "Transport system management" has had some successes, as in the effort to reduce congestion during the 1984 Los Angeles Summer Olympic

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Games.[3] Sound management would make the best possible use of existing facilities, *before* deciding what to build next. Techniques might include peak-load pricing on freeways (or at least extending Los Angeles's ramp metering to other cities), reducing cycle time on traffic signals, and fining truckers—who account for almost one-half of Los Angeles's freeway congestion—a cash sum equivalent to the time-delay costs of any accidents or hold-ups for which they are found liable. Traffic management also means ending the folly of subsidized parking and making more serious efforts to tow away parked cars illegally obstructing traffic during peak hours. (To its credit, the City of Los Angeles already tows three thousand cars daily during the afternoon peak, and illegal parkers during peak hours are said to have an 85 percent chance of being ticketed or towed.)

There are many more common-sense measures appropriate for a variety of urban settings. These receive too little attention because planners and politicians seem to prefer big-expenditure (but low-benefit) projects, the grand designs rather than the modest steps. Urban-transportation proposals cannot be effective so long as they fail to recognize the established growth patterns of contemporary American cities. People have voted with their feet in favor of suburbanization; it is folly to devote vast stores of public funds to a transit system built around a "downtown" that may no longer exist.

---

[3] Transport system management (TSM) improves the effectiveness of an existing system by using strategies that are not capital intensive to increase system capacity and by influencing travel demand to reduce peak-period vehicle trips. During the Olympics TSM strategies included scheduling events for off-peak hours, encouraging spectators to use public transit, promoting fewer nonwork trips, rearranging work schedules, rescheduling truck traffic, creating one-way streets, and closing freeway ramps. As a result of these strategies, traffic conditions during the Olympics were better than usual; the specter of a "Black Monday" never materialized.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

From CCNY to the White House

COLIN L. POWELL

MY ODYSSEY began on a winter's day in February 1954, when I entered City College at age 16½—having just been graduated from Morris High School on Boston Road in the Bronx.

I went to college for a single reason: my parents expected it. I don't recall having had any great urge to get a higher education. I don't even remember consciously thinking the matter through. I just recall that my parents expected it of me. And in those days when your parents expected something, it was what you had to do. In my family, especially, you did what your parents expected of you.

The question of which college to attend was easily resolved: I applied to New York University (NYU) and the City College of New York (CCNY). Notwithstanding my rather mediocre high school grades, I was accepted at both institutions. Making the final decision was tough, but one I was able to come to grips with readily —NYU cost $750 a year; CCNY cost $10. That was the end of that.

So on that cold morning I took the bus across the 155th Street bridge, rode up the hill, got off, met Raymond the Bagelman—a fixture on campus—and began my career as a CCNY student. What to study was a problem. My parents said engineering was the best field to choose. Back in the 1950s, in fact, engineering *was* the thing to do. So I applied to the School of Engineering and was accepted.

I quickly learned that I had no aptitude for engineering. After a fairly successful first semester—February to June of that year—I came out with a "B" average. But that summer I took a course in mechanical drawing. One hot afternoon, the instructor asked me to visualize a cone intersecting a plane in space. It was at that point that I decided to drop out of engineering; it was the worst summer I had ever spent.

Earlier, in the spring, I had noticed a bunch of fellows wandering around Amsterdam and Convent Avenues in uniform. It was the local ROTC detachment. I had a certain interest in the military. My generation, after all, had essentially spent its elementary school years watching World War II and then, after a brief postwar hiatus,

This article is reprinted by permission of the Alumnus *magazine of the City College of New York.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

its teenage years watching and hearing about the Korean War. So if you were of that generation, the military had made an indelible impression upon you. Thus the military held out a certain attraction for me. I was also attracted to a group within ROTC known as the Pershing Rifles.

The Pershing Rifles were the ones who walked around with a little whipped cord on their shoulders, suggesting that they were a little more serious than the average ROTC cadet, and possibly that they had made some sort of tentative commitment to military service as a career. That appealed to me. So I joined ROTC that fall, immediately pledged Pershing Rifles, and spent the next four years concentrating on ROTC, spending most of my time on Pershing Rifles activities and tolerating the academic demands of the College as best I could.

In 1958, with an average that barely crept above "C" (the only way it crept above "C" was four straight years of "A" in ROTC, which, thank goodness, counted on your academic record), I was graduated as a cadet colonel, a Pershing Rifles company commander, and designated a "distinguished military graduate." As an incidental dividend I received a B.S. degree in geology for mastering the rock formations under Manhattan. At 21, therefore, I was on my way to the Army. What was most important was—and this was expected of me by my parents—that I had a job, even if it was in the military. In those days, you see, you went to school for the purpose of making yourself employable.

TODAY I have several children who don't think that the end of college is necessarily the beginning of a productive work life. But we're sorting it out, each child at a time. In any case, my job as a second lieutenant paid $60 a week, thereby meeting parental expectations (common in those days) that you would emerge from school in a position to support yourself. However, the most important thing that was expected of you by your parents was to do better than they had done. My parents, like so many parents of CCNY students, were immigrants. They came to this country in the 1920s and worked their entire adult lives in the garment district—my father as a sales clerk, my mother as a seamstress. I recall that every Thursday night I would watch my mother put those little tickets together —she did piecework—so that on Friday morning she could bundle them all up and take them down to 34th Street and get her pay.

You were supposed to do better than that in my family and, I think, in most of the families of those who attended CCNY in those days. Indeed, the parental drive in that direction was so strong that our parents often did not recognize their own strengths. Until the day they died, for example, I was never able to convince my parents that it would never be possible for me to do better than they in providing their children with values and goals, and in that way making a valuable contribution to their new country, which they loved.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

I'm sure that my story is not different from the tales that many CCNY alumni could tell—the story of the kid of an inner-city immigrant family who benefited from living in a city that treated its obligation to educate and provide for its youth as the most important investment it could make.

What was also singular about the College was that while we had the second largest voluntary ROTC unit in the country, a military career was not viewed as a very popular or terribly attractive field to aim for. But for me it was a route out, a route up. For minority youth back in the mid- and late 1950s there were not that many avenues out. It was still a time when your possibilities were limited by your religious background or your racial heritage. When I first graduated from college I didn't understand that. It wasn't until I went into the Army and was assigned to places like Fort Benning, Georgia, and Fort Bragg, North Carolina, that I came to understand the nature of bias. But growing up in New York, particularly on Kelly Street in the South Bronx, everybody was a "minority." I didn't know what a "majority" was. You were either black, Puerto Rican, Jewish, or of some strange European extraction.

I was 21 years old and stationed at Fort Benning before I ever saw what is referred to as a White Anglo-Saxon Protestant. So it was something of an advantage for me to enter the Army without realizing that I was a "minority." And if there's one thing I've tried to do over the many years that have followed, it's to allow the fact of my minority status to be somebody else's problem, not mine, and to do the best I could as I pursued my chosen career.

A number of other graduates from the Pershing Rifles and ROTC also took the military route. Most just served their obligatory tour of duty and left. But some of us became "lifers," and the military service became our career. Three Pershing Rifles friends of mine were killed in Vietnam. A number of others graduated with me; for the most part they are now retired after long and distinguished careers in the Army.

IT IS one of my regrets that ROTC was terminated at CCNY during the high point of the resistance within the country to the Vietnam War. I regret that very, very much because I believe that military service to the nation is an honorable profession and a contribution to society. It is also a route that I traveled. And I regret that in the last two decades it was not open to others from New York City, at least those who were going to City College.

Over the past year, in fact, I have begun working with other ROTC alumni to see whether it would not be possible to restore ROTC at City College and perhaps provide this additional opportunity of service to the country to those students who will attend CCNY in the future, thereby also providing a way up for other inner-city young men and women who might wish to follow this route.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Shortly after I entered the Army I realized that, notwithstanding my "C" average, City College had given me a strong and valuable education. It had provided me with an appreciation of the liberal arts; it had given me an insight into the fundamentals of government; and it had given me a deep respect for our democratic system. Although I was forced to compete in my military schooling with West Pointers and Ivy Leaguers, lo and behold, my CCNY foundation was so solid that I never regretted going to City.

My years in the Army took me to Germany, Massachusetts, twice to Vietnam, to Georgia, Kansas, Washington, Korea, Kentucky, Colorado, Germany again, and then back to the States. Over the years I tended not to reflect too much about CCNY. I had lost track of many of my Pershing Rifles friends. Then, about two years ago, some of us in Washington tried to find as many of the old ROTC-Pershing Rifles cadets as we could. Because we were in our late forties and early fifties, there was an enormous outpouring of interest and nostalgia.

In the summer of 1986 we held our first reunion at my home in Virginia. Between twenty and thirty alumni showed up. There have been three subsequent reunions, and we've become very active. We have tried to recapture our youth now that it is receding fast. The group has grown in size and the promise is for a much larger chapter that can be integrated into the Alumni Association.

Last fall in New York, the Alumni Association was kind enough to honor me with a Townsend Harris Medal for distinguished postgraduate achievement. They recognized me as the most senior military officer ever to have graduated from CCNY. I was honored to have received this recognition, not just for me but for the ROTC program and for all the young men and women from CCNY who have made the military their career. I was also honored to be seated in the company of the other distinguished Townsend Harris medalists.

But the company that meant the most to me that memorable evening sat at two tables toward the front. When I received my award and headed back to my seat on the dais, those two tables of people stood up and broke out into an old army drill-team marching song that we used to sing thirty-four years ago, when we marched on the drill floor of the old 369th Armory.

Although we were all older, chunkier, and a little balder, we had no less energy and enthusiasm that night than we did three and a half decades ago. Those who stood up that night shared the award with me. They and all the others in the room were the pride of our Alma Mater and the pride of our city. It was a moment that brought me back to a great time in my life at one of the finest institutions of higher learning in our nation.

Colin L. Powell is a General in the United States Army. He was National Security Adviser to the President of the United States from 1987 to 1989; he has recently been appointed chief of the U.S. Forces Command.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

WINTER BOOKS

•

contents

William Lilley III on the decline of CBS News
p. 92

Michael Novak on the pursuit of happiness
p. 97

Herbert Stein on protectionism
p. 103

David Whitman on welfare reform
p. 107

Chester E. Finn, Jr. on public schools
p. 114

John J. DiIulio, Jr. on Bernhard Goetz
p. 120

David M. Ifshin on political conventions
p. 126

Monica Powell on the wage gap
p. 133

Louis Winnick on housing policy
p. 137

William Bradford Reynolds on civil rights
p. 141

•

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CBS: A Collapse of Business Sense

WILLIAM LILLEY III

Peter J. Boyer: **Who Killed CBS? The Undoing of America's Number One News Network.** *Random House. 362 pp. $18.95.*

Ed Joyce: **Prime Times, Bad Times: A Personal Drama of Network Television.** *Doubleday. 562 pp. $19.95.*

Bill Leonard: **In the Storm of the Eye: A Lifetime at CBS.** *G. P. Putnam's Sons. 240 pp. $18.95.*

THE CENTRAL QUESTIONS on people's minds about CBS News, and about the entire CBS network, are what happened and how did it happen so fast? As recently as 1981, CBS News was arguably the most powerful media force in the country; now its influence and power have markedly declined. Three new books try to explain this turnabout, and each, in its own way, attributes the rise and the fall of CBS News to personalities.

Stories in the "Great Men Make Events" genre are inherently readable, and these three books are no exception. Each is well written, and each author has impeccable qualifications to write about the "Great Men"—who, more often than not, are "Great Villains." But in pointing fingers at people to explain what went wrong at CBS News, the books fall far short of explaining what is clearly an institutional collapse.

Nevertheless, all three books are serious efforts by serious people and deserve—up front—a few words about their authors and their theses.

Who Killed CBS News: As the title implies, this book argues that one villain singlehandedly destroyed a grand enterprise. The putative villain—and he is a marvelous one—is Van Gordon Sauter, the flamboyant chief executive of CBS News from the end of 1981 to the middle of 1986. The book's author is Peter Boyer, a one-time on-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

air reporter for CBS News and a long-time print reporter on the television-news beat for the *New York Times*. Put simply, Boyer's thesis—covering the 1976-1986 period—is that the crass forces of 1980s commercialism destroyed the intellectual and artistic integrity of CBS News and that the agent of destruction was Sauter. How, you ask, could one man do so much damage? Simple, Boyer says: Sauter fooled everyone into thinking that he was both a TV business whiz *and* a latter-day Edward R. Murrow. The best parts of the Boyer book are devoted to showing that Van Gordon Sauter is the cleverest fraud in modern television history. Of Sauter's early days at the *Detroit Free Press*, for instance, Boyer writes:

> The Sauter legend was one of the first things he [Kurt Luedtke, the new assistant city editor] heard about, how this guy Sauter somehow talked the *Free Press*, which had never before had a foreign correspondent, into sending him to Vietnam. One day Luedtke was waiting for an elevator outside the newsroom; it arrived, the doors parted, and Luedtke's jaw dropped. Out stepped this person, large and imposing, who looked like Hemingway in a thick black mustache, and he was dressed in full combat fatigues, right down to the boots, as if the jungles of Vietnam had just delivered him forth into the number three elevator at the *Detroit Free Press*. "Hi, brother!" said this creature, breezing by Luedtke and into the city room, down the length of which he promenaded in his combat outfit, "Hi, brother!" all the way. Van Sauter was back from the war.

In the Storm of the Eye: Bill Leonard worked all of his professional life at CBS. He started in 1945 as on-air radio talent; he retired at the end of 1981 as president of CBS News. In this book Leonard draws on his own remarkable media experience to show why and how CBS News became so powerful a television news force.

From 1945 to 1958 Leonard was a major radio star, the host of an enormously popular talk show, *This is New York*, on which he once sparred two rounds with Joe Louis. Moving to television in 1959, Leonard was a major force behind the now-famous CBS Reports and behind CBS's efforts to use computers to predict election results from fragmentary returns—known then and now as Voter Profile Analyses. Leonard's career in television paralleled Walter Cronkite's rise to become "the most trusted man in America."

Leonard's implicit thesis throughout the book is that television news, and especially CBS News, is a powerful but benign force when in the hands of serious, gentle, idealistic people like Cronkite, Eric Sevareid, Edward R. Murrow, and the other heroes of "the old CBS." With the arrival of Dan Rather and Van Sauter, and the concomitant departure of Cronkite and Leonard, CBS started down the slippery slope of decline. "Since 1982 I [have] been watching CBS News trade away its aspirations and its high standards for quick fixes," Leonard writes. Where, he asks, "was the sense that at least this part of the company was marching to a drummer other than the laugh meter?"

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Prime Times, Bad Times: Even more than the other two books, this one is about good guys and bad guys; the head good guy is author Ed Joyce and—no surprises here—the chief villains are once again Sauter and Rather. Like Boyer, Joyce blames the crass forces of commercialism for the supposed decline of serious TV journalism. But more than the others, Joyce raises to full villain status the modern business environment and its bureaucratic handmaiden —corporate politics. Joyce clearly believes that CBS News could remain a powerful leader only as long as it was insulated from both commercialism and corporate bureaucracy. He sees his own involuntary 1986 ouster from the second-in-command post at CBS News as proof that this insulation has vanished.

Joyce shows quite a flair for drama, stocking his book with verbatim conversations, powerfully malicious gossip, and vituperative personal attacks. For 548 carefully argued pages, Joyce produces incident after incident, and conversation after conversation, to convince the reader that Sauter and Rather became corrupt and that they then corrupted CBS News, while a malign corporate bureaucracy spurred them on.

Thus all three books associate the decline of CBS News with the loss of integrity and the concurrent commercialization of CBS News journalism. This diagnosis, however, is neither accurate nor helpful.

THE REASON that CBS News has been declining in the 1980s is that the business of television news has changed substantially and CBS News has failed to adjust. There is nothing wrong with the on-air talent; what is wrong is the way that the operation is managed. In short, you could say that CBS News is not commercial enough. Over the last five years, CBS News has declined because its audience and its advertising revenues have declined; its distributors are increasingly moving the *Evening News with Dan Rather* to the 6:30 time slot with its invariably smaller audience.

These profound symptoms of decline are not discussed in any of the three books under review, even though the books are either by or about CBS News business managers. Not only do the books avoid the business of CBS News, they treat the fact that it *is* a business as something shameful and best overlooked. None of these books discusses the customers (the viewers) or the financial backers (the advertisers) or the distributors (the affiliates) except in passing and then with disdain. Even more bizarre is the utter lack of interest these managers show in the cost of doing business; the books do not mention this subject, leaving the reader to conclude that the authors either do not know or do not care whether costs are up or down and for what reason.

It does not take a genius to predict that any business run by managers who are not interested in customers, investors, distributors, and costs is—sooner or later—going to get itself into trouble.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Trouble, particularly in the form of shrinking audiences, began shortly after Rather replaced Cronkite as anchor of the *Evening News* in 1981—but Rather was not its principal cause. Coincident with the shift in anchors, the business environment for network news changed radically. In 1980 television news was controlled by the three networks, and the competition, to the degree that there was competition, was within the three-company oligopoly. Today the oligopoly's power no longer exists, shattered forever by the rapid growth of cable channels and independent stations, all offering widely varying but very competitive news programs, and by the network-affiliate stations mounting, for their own competitive reasons, major news operations of their own, with everything from their own satellite feeds to their own Washington bureaus.

Remarkably, these books barely discuss this new and threatening competitive environment. Instead, the CBS News business managers act as if the competitive calculus of the 1980s is unchanged from that of the 1970s. Take, for example, Ed Joyce's revealing 1984 assessment of whether Ted Turner's Cable News Network was a competitive threat to CBS News: "I regard Ted Turner just about the way General Motors regards Harley Davidson," he said. "It's an interesting small business."

It is fitting that the then-president of CBS News compared his business to GM. Like CBS News in the 1980s, GM was undone in the 1970s by the arrogance and inflexibility of its management; GM, like CBS, failed to stay close to its customers, lost its business agility, failed to innovate, and was undercut—in a surprisingly short period of time—by foreign automakers who offered higher quality and more diverse autos at lower cost. Today GM, like CBS News, is a shrunken enterprise. What foreign automakers did to GM while its management stood aloof, cable channels and independent stations have done to CBS News.

IN ADDITION to suggesting the failings of CBS's business managers, each of these books also exhibits CBS News's arrogant disdain for the views of the public. The "CBS News knows best" attitude hardly began with these books, but the books reveal how that arrogance got the enterprise into *business* trouble—by alienating its distributors, its viewers, and the U.S. government officials who regulate it.

Take, for example, CBS News president Joyce's reaction to the criticisms of viewers and CBS affiliates that his program had been unfair to the U.S. government in its handling of the Grenada invasion and the Beirut marine-barracks massacre:

> In the past two years I'd had enough experience with this group to know that the loudest criticisms would come from people who hadn't actually seen the coverage themselves. Usually such grievances were reflections of the chatter at Rotary meetings or the country club. I knew what our coverage had been like and I was not about to offer any apologies.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Joyce's attitude toward criticism is a variant of the famous Henry Ford II dictum: "Never apologize, never explain." It worked for Ford as a rationale for refusing to answer questions about his personal conduct; it does not work for a business manager.

Consider the firestorm over exit polls. Exit polls, which have been controversial since their debut in 1964, when CBS News used them to project winners in the presidential primaries, were widely attacked in the wake of the 1984 presidential election when the three network news programs "called" the result long before the polls closed on the West Coast. As a consequence, three prominent western congressmen told the networks that they had to forsake the practice, formally and permanently, or Congress would outlaw it. Sauter and Joyce were handling the matter for CBS News; Thomas H. Wyman (CBS's chairman), Gene Jankowski (CBS Broadcast Group president), and I were the CBS corporate representatives. Here is Joyce's account—and it is accurate—of the meeting:

> When I arrived in Van's office, I had pretty much anticipated what I would hear.
> "Jankowski says Wyman would really like us to get out of the exit-poll business . . . at least stop using them as the basis for projections."
> "It's not that easy," I said.
> "According to Gene, Bill Lilley is citing this as one more way CBS News manages to piss off Congress," [Sauter said].
> "That may be true," I said, "but it doesn't mean we should let Congress tell us how to practice journalism."
> "Remember, I testified before this subcommittee a couple years ago on exit polls," Van said. "They're not going to drop this issue."
> "Frankly, I wish CBS News hadn't started making calls with the damned things," I said. "It was only because NBC cleaned their clock. But I don't see any face-saving way we could discontinue the practice without looking like we were caving to pressure from the Hill. If they [Congress] go for restrictions, they'll walk into a minefield of First Amendment issues."
> "Oh, I don't think it's a legal issue we worry about," Van said. "It's a public relations problem. We're going to start hearing all that shit about the arrogant networks. Lilley will be whispering in Wyman's ear and Gene will be a man in agony."
> "It's so tempting to say yes," I said. "What the hell, we withhold other information . . . we wouldn't hesitate to embargo demands from kidnappers if reporting them endangered the victim . . . but when you start letting Congress tell you how to cover the news you're standing on a slippery slope."
> "What do I tell Gene?" Van asked.
> "Tell him I know it's not uncommon to resort to expedience when honor gets a little risky," I said, "but I can't do it."
> Van looked at me for a long time before he responded.
> "I'll tell him it would cause a shitstorm in the News Division if you did this," he said. "You'd be perceived as a sellout."

The behavior of CBS News during the exit-poll controversy was wrong. And from this account, it is clear that CBS managers *knew*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

it was wrong, but that they believed it would be even more wrong to *admit* it and certainly far more wrong to *correct* it—especially since the request for change came from corporate businessmen and elected politicians. When an enterprise is managed so inflexibly and arrogantly, at a time when the business environment is becoming much more competitive, is it any wonder that it falls from prime times to bad times?

William Lilley III is president of Policy Communications, Inc., a business consulting company. From 1980 to 1986 he was a senior corporate official at CBS.

Back to Basics

MICHAEL NOVAK

***Charles Murray:* In Pursuit: Of Happiness and Good Government.** *Simon and Schuster. 341 pp. $19.95.*

THE PRESIDENT-ELECT of the American Sociological Association has recently written:

> As demonstrated in the work of many scholars, the progressive social struggles of the past century have not only resulted in the expansion of the civic and political rights of citizens in the Western world, but also in the creation . . . of redistributive and more egalitarian social policies that have enhanced democratic institutions and that maintain, not undermine, individual self-respect.

This statement reflects an unwarranted complacency about "progressive social struggles"; much evil has marched into "the past century" under that flag. It also reflects a certain hubris about social science. How can such optimism about the successes of public policy be justified, considering the state of American education and the areas of concentrated poverty in our cities? Charles Murray is not so sanguine. Instead he articulates the restiveness of many of his fellow citizens, a restiveness fortified by the judgment of the distinguished social scientist Peter Rossi:

> A review of the history of the last two decades of efforts to evaluate major social programs in the United States sustains the proposition that over this period the American establishment of policy makers, agency officials, professionals and social scientists did not know how to design and implement social programs that were minimally effective, let alone spectacularly so.

Looking out over the fields on which, as a social scientist and public-policy expert, he has been trained to do battle, Murray's out-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

look is more like that of a second lieutenant leading a heavily shelled platoon than like that of a multistarred general in the Pentagon. As his eyes rove over the carnage, he thinks of many essential questions never asked, and sadly notes that generals are still deceiving themselves about actual conditions at the front. The public back home may be getting plenty of aggregate numbers from the field, but it cannot possibly see all the things those numbers hide.

Still, Murray's purpose is neither to abandon "progressive social struggles" nor to block activist government; it is, rather, to have both of them actually succeed. Levels of crime in American classrooms, the oddity of a teacher shortage, and the condition of the despairing poor in urban slums are for him a scandal and an outrage. Since "progressive" public policy does not seem able to deal with these outrages, Murray has mildly, reasonably, and carefully set forth a new perspective. He suggests that we ask a new set of questions. He shows how these questions would help us address a broad range of current social problems.

Why do so many react to Murray with explosive hostility? Never argue politics, my father once told me; convictions about it are rooted in views of human nature almost as deep as religious faith—in any case, they can't be changed in a single argument. Because Murray rejects the vision of human nature prevailing among the experts, he has stirred the hive. His stubborn and not-so-innocent honesty may now force others to disclose their own rival visions. Many do not like that. Heretofore, it has been possible to conceal dubious ideologies under academic gowns of "science" and "progress," and under banners proclaiming "redistribution" and "equality."

Murray's *In Pursuit* does not attack an active government but a careless and self-deceptive one. It does not attack public-policy experts, although it does insist that they make a full disclosure. What *are* their views of human nature, of public and private happiness, and of the originating vision of the American framers?

THE BOOK is divided into three parts. First, Murray rescues the concept of "happiness" from several generations of neglect. Aristotle, Cicero, and the founders of the American republic designated happiness as the primary goal of government, and Murray suggests that this forgotten concept might help us overcome some of our persistent recent failures. He begins by developing a provisional definition of happiness as "a lasting and justified satisfaction with one's life as a whole." This working definition actually misstates his ultimate intention, which is to show that "happiness" refers primarily to action, not emotion (as "satisfaction" suggests, even when "justified").

In his long second part, Murray spells out the four major "enabling conditions" of happiness-as-doing. These he designates as: sufficient *material resources* (to satisfy what some might describe as "basic needs"); *safety*, or the civil right to the protection of life and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

limb; *self-respect*, which goes well beyond dignity and self-esteem; and the sort of *joy that accompanies doing*, especially when that doing includes self-actualization that intrinsically improves the doer. (Mastering a new skill changes the person; answering routine correspondence merely gets a job done. But even the latter, done with personal commitment, can come to share in the value of the former, as in Murray's example of the telephone operator.)

Murray is right to take nearly 150 pages to establish clearly what "happiness" meant in America's originating tradition. Today, unfortunately, that key term is likely to be misapprehended. When our contemporaries hear the term "happiness," they are likely to imagine a state of feeling, as when pleasure outweighs pain or boredom is relieved by excitement, or as in moments of contentment (Murray's earlier "satisfaction with life as a whole"). Only on reflection—of the sort Murray patiently walks us through—do we come to see that in actual practice such emotions are far less important to us than the joy that comes from "doing well" across the entire range of intentional human actions, especially certain basic ones. It is from acting well that the deepest joy, personal growth, and sturdy self-respect arise and stand firm, beyond the power of anyone to take away. Performing everyday actions well yields good husbands, wives, and parents, good neighbors, good citizens, good human beings. Such actions exemplify the personal self-government that is both the model for and the condition of the democratic republic.

MURRAY is on strong ground, then, when he makes explicit the consonance of his own vision of human nature with the public-policy views of our republic's founders. William Julius Wilson, among others, may dismiss this striking consonance; he has remarked that today "we are not living in an imaginary preindustrial society in which 'private man' is inherently good and government is inherently bad." Wilson's very turn of phrase shows that he misunderstands both Murray and the framers. First, if Wilson does not believe himself as a "private man" to be inherently good, does he then imagine that it is the role of government to make him good despite himself? Secondly, Wilson's critique of the naive optimism of the framers attacks a straw man. For the framers knew only too well that humans, whether as private or as public persons, are not angels. They therefore understood that ambition must, throughout the whole field of life, be made to counteract ambition. Their "new science of politics" does not ignore—and in fact begins by recognizing—the self-interest, disharmony, rebelliousness, and evil that every human heart harbors so abundantly. Those who hold that the vision of human nature held by America's founders is "little more than a thinly veiled . . . mythical vision of society and government" have a duty to substantiate this weighty charge, and to tell us what they propose to substitute for the framers' vision that can be consonant with the framers' Constitution.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

But this is not the only misapprehension that Murray must fight. Modern social science came upon the scene when it was fashionable to be preoccupied with material possessions. Marxism most radically and consistently reflected this tendency, but even many scholars in "liberal" circles have overemphasized material factors and neglected the human spirit, and with it the self-respect and the enjoyment of self-actualization that constitute happiness. Having lost their bearings in the framers' more self-critical tradition, many of our contemporaries actually speak of happiness as if it were a matter of feelings and taste, "to each his own." Hearing the phrase "with liberty and justice for all," they tend to think that "liberty" implies pure relativism and that government must be agnostic, even indifferent, about the nature of happiness. But this flatly contradicts the intention of the framers, for whom, far from being a matter of indifference, happiness was said to be the primary goal of government. How can government purposefully remain ignorant of its primary goal?

"The first law of government," James Wilson wrote in 1769, is "the happiness of society." The only reason humans consent to form a government is "to ensure and to increase the happiness of the governed" beyond the happiness that they would find in the state of nature. In *Federalist* 62, Madison put the point precisely:

> A good government implies two things: first, fidelity to the object of government which is the happiness of the people; secondly, a knowledge of the means by which that object can be best obtained.

On this point Murray sides with the framers, not with the more recent conventions of public policy. He urges his colleagues not to follow him blindly, but to try raising the traditional but forgotten questions about the concrete problems that now worry them most—about crime, the schools, female-headed households, a new job corps, whatever. What factors today cause citizens to be dispirited rather than happily active? What changes in policy would increase their joy in doing well? Murray's suggestions are not unreasonable, but they do require us to go beyond the present preoccupation with merely material factors.

Another misapprehension results from the same preoccupation: an atavistic longing for egalitarianism, and therefore redistribution, as a requirement of "justice." Knowing that such a project had brought every preceding republican experiment to ruin, the framers found it "wicked." Murray shows that it is also impractical and self-defeating: impractical because it can never be carried out in complex societies, and self-defeating because it only exacerbates the itches of envy in which it has its origins. Far from being a prerequisite for happiness, equality in material possessions (and in "life chances") is not even characteristic thereof. How could it be? Few are exactly equal, but many are happy.

Murray himself summarizes his argument to this point:

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

> The three large assertions of this book so far have been that we ought to use the pursuit of happiness as the criterion of success in making social policy, that the design of policy solutions must reflect one's understanding of human nature, and that these things constitute not just a theoretical exercise but something that policy analysts ought actually to do as they go about their work.

MURRAY begins and ends the third section by anchoring his vision of human nature and human happiness in the vision of America's founders. But in the middle, he uses this vision to examine particular failures of current public policy. The first point of each example is not so much to show that public policy has gone awry as to explain *why* it has done so. The second point is to show how Murray's own alternatives offer fresh and promising ways of doing better. While the most that Murray claims for his alternatives is that they ought to be submitted to practical tests, they do have the solid ring of common sense. Yet even those who are as skeptical of Murray's new proposals as he is of the current conventional policies will find Murray's crisp explanations of many current policy failures illuminating.

Murray brings to delightful life the useful theoretical construct that Milton Friedman calls "the Invisible Foot," which keeps tripping up large-scale public-policy programs launched with the best of intentions and the highest of hopes. Murray explains the Invisible Foot as follows: "Any social program, no matter how innocuous, requires some actors (whether administrators, or clients, or bystanders) to do things they would not do on their own, or things they do not particularly want to do, or things that they consciously wish to avoid doing." In short, well-intentioned but coercive programs awaken stiff resistance and systematic efforts at coercion, which trip up the original programmers' efforts.

Public policy has long been thought of as the product of a science rather than an art, or as a discipline akin to engineering. Overlooked is the stubborn, angular, ornery human will of the average person—the harried husband, willful wife, and surly child. Murray wants to think of public policy as a way to remove impediments to the pursuit of happiness; for him, public policy is more art than science. Murray suggests as model the art of the healer, but that is probably a mistake. California has already taken the therapeutic society far enough.

Each of Murray's discussions of practical problems is insightful. For instance, Murray explains precisely and convincingly why the brave and noble effort of the Carnegie Endowment to establish national standards for the certification of good teachers is bound to fail. Similarly, proposals to raise salaries to attract better teachers to the profession, he predicts, will inevitably result in paying higher salaries to mediocre teachers.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

MANY of Murray's critics would like, when it suits them, to claim the prestige of the founding fathers as evidence of the nobility of the liberal tradition. In fact, the founding fathers did expect their basic ideas to last forever, and their new order to be "of the ages." But it is questionable how many social scientists and public-policy architects today would associate themselves with the excerpt from Thomas Jefferson's first inaugural address with which Murray closes his argument. After a remarkable discussion of the small communities in which most people live, Murray asks with Jefferson, "What more is necessary to make us a happy and prosperous people?" Murray concludes with Jefferson's answer:

> Still one thing more, fellow citizens—a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

Murray is not as abstemious about activist government as Jefferson; he believes that government must undergird, support, and further the pursuit of happiness, but not suffocate it. Government must help to design conditions that "enable" citizens to act well. "This is not necessarily equivalent to 'government should do as little as possible.' Rather, it is a question of choosing [wisely] the things to do."

But the deepest and most lingering debate provoked by Murray's book is likely to concern competing philosophies of human nature. Pluralism here is not likely to be damaging. Still, the debate about human nature ought to meet intellectual standards; arguments should turn on evidence. How can we decide between rival claims? To this, Murray's own response is quite often: "Use yourself as a source of evidence." What is *your* best experience of happiness? What would you want for your children? Suppose that a machine could be attached to your newborn son that would guarantee him for life, at the touch of a button, any feeling he desired, so that he could always be, at will, pleased, content, excited, or ecstatic. Would you attach him forever to such a machine?

In philosophy, there is a word for this kind of book. Its method is *dialectical*. That is to say, its primary purpose is not to offer information (although of that there is plenty in this book, which the reader is free to pocket—and for whose abundance he will need an ample sack). Nor is it written to propose a new structure of logical argument, painstakingly built up like a house of bricks, premise upon premise. A dialectical argument does not focus its attention on materials "out there" so much as it directs attention to what is already *within* the reader's own mind. The point of *In Pursuit* is to invite readers to become conscious of their own working views about human nature, happiness, and human liberty, and then to begin rethinking concrete social problems with a fresh sense of what a

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

human being is. In brief, a dialectical argument, in the relevant sense, is one that makes the inquirer question himself, as if what is now going on in his mind is part of the problem and a step toward a solution. Murray is suggesting that, as we now are, our thoughts are mismatched with reality. He suggests that our generation's slovenly working views of happiness, human nature, and liberty do not match our practice at its best—with regard to our children, for example. Murray follows Pascal's admonition that thinking clearly is the first moral obligation.

By reaching for these heights, this book could contribute to a reunion between political philosophy and practical public policy. It is another major step on the long road "back to basics."

Michael Novak holds the George Frederick Jewett chair in religion and public policy at the American Enterprise Institute.

Protectionism: A Guide for the Perplexed

HERBERT STEIN

Jagdish Bhagwati: **Protectionism.** *The MIT Press. 147 pp. $16.95.*

IN THIS GEM of a book Jagdish Bhagwati goes far beyond the economists' paternoster about the virtues of free trade and their clucking about the sins and errors of practical men who disregard the advice of economists. He examines the exceptions that economists, going back to Adam Smith, have found, or claim to have found, to the general prescription for free trade. He explains the divergence between practice and economists' prescriptions. He describes the sources of the move toward liberalization after World War II and the move back in more recent years, and he predicts future trends. Finally, he offers suggestions for changes in institutions and procedures that would contribute to better decision-making about trade policy.

His subject concerns both economics and politics. Bhagwati is unusually well-suited to treat it, being a professor of both economics and political science at Columbia University. I know no one else who holds two such chairs. Quite aside from the chairs, which I learned of when I read the dust jacket of the book, Bhagwati is generally recognized as one of the world's leading authorities on the economics and politics of international trade.

The book is based on lectures given in Sweden in October 1987. The lecture format requires that an author make himself readily understandable; such a requirement is less pressing when one writes

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a book meant to be pored over. Apparently the lectures were delivered in a room without a blackboard, so they are free of mathematics, which makes them (almost entirely) intelligible.

The lecture format also forces brevity, which is a great virtue. But this virtue is obtained at a price. At many points propositions are asserted on the basis of arguments that are not spelled out but instead ascribed to other writings, often Bhagwati's own, that are acknowledged in the footnotes. The price is, in my opinion, worth paying. I suspect that if the supporting evidence were presented it would turn out to be less intelligible and no more convincing than the shorter treatment in this little book. The value of the book lies not in proofs, which are scarce in economics and political science, but in the provocative thoughts of a sophisticated mind.

BHAGWATI IDENTIFIES several supposed exceptions to the general presumption in favor of free trade:

1. A country may beneficially threaten to protect its own market as a bargaining chip to induce other countries to open their markets, and if the threat is to be credible it must sometimes be carried out.

2. As a means of creating an efficient world economy, the international trading system as a whole may permit, or even require, protection or retaliation against countries that subsidize their exports or otherwise impair market forces.

3. A country that has a monopolistic position as a seller or purchaser of a certain product may gain by limiting exports or imports, in order to change prices in its favor.

4. A country may gain by protecting an industry in its "infancy," during a learning period in which its efficiency will rise to internationally competitive levels.

5. A country may gain by protecting an industry to keep it at a scale that will enable it to operate at international levels of efficiency.

6. If market imperfections keep resources from moving to their most productive uses, protection may push them in the proper direction.

7. If the world demand for the products in which a country has the greatest advantages in production is tightly limited, the country may be able to enjoy economic growth only if it protects industries in which it does not have such advantages.

8. A country may gain by protecting some industries, usually in the manufacturing sector, that have particular merits as sources of technological advance, as symbols of national status, or in some other way.

9. A country with a persistent balance-of-payments deficit may gain by limiting imports.

To this list might be added two other points that I do not think Bhagwati mentions:

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

10. A country may be justified in protecting industries that are essential for its national security.

11. A country may benefit by protecting industries whose workers for some reason deserve to be supported by the rest of the society.

All of these claims are in use today. Indeed, it is one of the triumphs of economics that advocates of bad policy find it necessary to use more sophisticated arguments than they formerly did.

Bhagwati deals with these claims in an undogmatic, common-sense way and finds (thank God!) that there is not much to them. They fall into three categories:

a) Those in which protectionism makes no sense.

b) Those in which protectionism may make sense, but in which some other method—a subsidy, for example—would more efficiently achieve the desired result.

c) Those in which protectionism would make some sense but that we cannot trust the political process to discover, and probably lack the information to identify.

BHAGWATI IS NOT very explicit about how we are to judge protectionism and other trade policies. He implies that we should ask whether they maximize the national income, giving everyone as high an income as his productive capacity permits. But this test is not necessarily sufficient, as is suggested by the national-security case that Bhagwati omits. The question is also raised by a point that Bhagwati makes rather off-handedly, about the desire of Canada, Australia, and some other countries to preserve their cultural identities by limiting imports of American magazines, movies, and the like. He believes that we should be sympathetic to such desires and tolerate protectionist measures to realize them.

But who is to decide the legitimacy of particular efforts to preserve cultural identity? I suppose that there are Americans, not all of them in Detroit, who think that our cultural identity requires that at least 75 percent of our automobiles be made by General Motors, Ford, and Chrysler in the United States. If enough people with enough political power make this decision while being aware of its costs, who is to say that they should not protect the automobile industry? Probably not professors of economics or political science. This line of argument leads to the conclusion that all the professors should do is assess the costs, not recommend policies. Most economists seem to believe that if all the costs were known, there would be very little protectionism—much less than is now practiced. But we don't know how much.

I do not know how far Professor Bhagwati would go along with this argument. I offer it only as a thought suggested by his book. But it is interesting that his suggestions for improving decision-making about trade are rather pragmatic. He is not urging a consti-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tutional amendment to rule out protectionism; he just wants to make the costs of protectionism more visible.

I CANNOT do justice here to all the provocative asides that are a large part of the charm and merit of this book. I will point only to one. Discussing the exceptionally rapid growth of some of the East Asian countries, Bhagwati recognizes that, contrary to the orthodoxy of economists, many of them have large amounts of government intervention. This fact leads him to speculate on why some countries with much government regulation—like India—do poorly, whereas others—like Japan and South Korea—do well. His suggestion is that "proscriptive" government, which tells private parties what they may and may not do, stifles initiative and economic growth, whereas "prescriptive" government, which tells private parties what they must do, leaves much more room for enterprise and encourages growth.

This idea raises many questions. One is how to measure the amount of regulation, to see whether Japan has more or less than India, since Bhagwati implies that Japan gets more growth with a given amount of regulation than India does. Another question is definitional: How can we decide what is proscriptive and what is prescriptive? A regulation saying that you may not emit more than a certain volume of pollutants from your factory sounds proscriptive. A regulation requiring the use of certain antipollution equipment, such as scrubbers, sounds prescriptive. But in this case the proscriptive regulation allows more room for initiative in choosing the most efficient means of reducing pollution. Also, while the proscriptive-prescriptive distinction may explain something about the difference between India and Japan, it does not seem to help in explaining the difference between Japan and the United States. But despite these questions the idea seems worthy of further explanation; more generally, it points to the need for a theory of regulation that will distinguish more than is now done among different kinds of regulations.

Economists, mainly devoted to free trade, will find Bhagwati's deflation of many sophisticated arguments for protectionism a comfort, but may be somewhat irritated by his tolerance for second-best solutions. Supporters of protection—who, unfortunately, are less likely to read this book—will find themselves challenged by arguments that they cannot dismiss as "theoretical" or "academic." And if there are any uncommitted people, they will find Bhagwati's book the best possible introduction to the present state of the discussion.

Herbert Stein is a senior fellow at the American Enterprise Institute. He is editor of the AEI Economist.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Return of the New Dealers

DAVID WHITMAN

David T. Ellwood: **Poor Support: Poverty in the American Family.** *Basic Books. 271 pp. $19.95.*

FOR THE LAST several years, David Ellwood has spent much of his time debunking the work of the neoconservatives' favorite welfare expert, Charles Murray. As Ellwood recalls in the preface to his new book, liberal critics of Murray initially fastened on studies by Ellwood and his Harvard colleague, Mary Jo Bane, to rebut Murray's argument in *Losing Ground* that welfare tears apart black families and provokes poor women to have babies. Ellwood himself soon joined the fray, repeatedly criticizing Murray's claims. Yet whenever Ellwood spoke publicly about his findings, he found one troubling response: "People hated welfare no matter what the evidence."

That reception forced the young professor to rethink why people end up poor or on welfare—and this succinct, provocative book shows the results. Ellwood still believes that welfare isn't malignant, and he supports the recently enacted welfare-reform bill, although he considers it sadly inadequate. But instead of praising the welfare system, Ellwood's newfound passion is to bury it. He argues, for instance, that welfare does little to help poor women become independent, and he concludes that the best solution to the welfare mess is essentially to eliminate relief. In its place, Ellwood promotes a "non-welfare" agenda—one that could well presage the next congressional battleground in the war on poverty.

In a sense, Ellwood's book signals the return of the New Deal economists, a group that largely vanished from Washington with the departure of Lyndon Johnson and Wilbur Cohen, his Secretary of Health, Education, and Welfare. Loosely defined, the neo-New Dealers include erstwhile welfare reformers like Bane, Robert Reischauer of the Brookings Institution, Irv Garfinkel of the Institute for Research on Poverty, Robert Lerman of Brandeis University, and, to a lesser extent, University of Chicago sociologist William Julius Wilson. The neo-New Dealers deliver a new version of an old message: means-tested welfare programs do little to curb poverty. By contrast, they argue, universal programs like guaranteed child support, health insurance, and tax credits can both radically reduce the number of poor Americans and slash the welfare rolls.

ELLWOOD'S BOOK makes clear that this message is incompatible with the much-touted liberal/conservative welfare-reform consensus of the 1980s. To understand why, one has to go back to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Richard Nixon's Family Assistance Plan. Part of the reason Congress failed to pass it was that George Wiley, the charismatic leader of the National Welfare Rights Organization, shamed liberal congressmen into opposing any welfare-reform plan that did not pay recipients enough to escape poverty. Ever since, the liberal anti-poverty agenda has essentially consisted of trying to raise welfare benefits and expand eligibility.

It is true that during the 1980s the Left appeared to accept several nominally conservative welfare reforms—but only if they weren't punitive. Thus Democrats introduced welfare-reform legislation requiring states to toughen their child-support collection techniques, to offer recipients more job training and support services, and to extend medical benefits and child care for those leaving welfare. Leading liberal organizations like the AFL-CIO and the Children's Defense Fund eventually soured on the Democrats' legislation, arguing that the new assistance for recipients was too miserly and had too many strings attached. But prominent Democrats in Congress and elsewhere seized on the legislation as a vehicle that would enable them to end the bitter partisan debates over public assistance while still retaining their political pedigree. In a debate among the Democratic candidates in November 1987, Michael Dukakis went so far as to declare that the welfare legislation would help "millions and millions of people . . . to get off welfare."

Ellwood and the neo-New Dealers, however, say that such claims are humbug. "Mixing work and welfare is not the answer," Ellwood argues forcefully in *Poor Support*. "No carefully evaluated work-welfare programs have done more than put a tiny dent in the welfare caseloads, even though they have been received with great enthusiasm." In Ellwood's view, no job-training program can remedy the fact that there are few decent-paying jobs in the private sector for unskilled welfare recipients. Moreover, since many single mothers on welfare can work only part-time (because of child-care responsibilities), no training program can pay welfare mothers enough to get them off welfare. That can happen only in well-paid, full-time jobs, or with some kind of income from a tax credit.

The standard riposte from the Democrats whenever the modest record of job programs is dragged out is that child care and intensive job training can spruce up the resumes of welfare mothers, enabling them to get back into the job market while someone else cares for their kids. Indeed, the notion of "investing" in welfare recipients is central to the welfare-reform legislation. But Ellwood doesn't buy the investment solution either. He points out that the Supported Work demonstration, which spent close to $10,000 per long-term welfare recipient to get mothers off the Aid to Families with Dependent Children (AFDC) rolls, ultimately raised the recipients' earnings by only $10 per week and barely reduced the dole. Noting that many low-income mothers prefer to leave their children with relatives and friends instead of in formal day-care centers, he

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

counsels Congress to "go slow" on any massive government-funded day-care scheme because of the "enormous expense and uncertain need."

Recent estimates from the Congressional Budget Office, unavailable when Ellwood wrote his book, bear out his contention that the recent welfare "overhaul" will do little more than chip at the rolls. The CBO concludes that the work programs spelled out in the welfare legislation will remove 80,000 families from AFDC after five years, a reduction in the rolls of less than three percent. And contrary to what Dukakis suggested during the campaign, the legislation as a whole will probably slightly *increase* the total number of families on welfare because of several other provisions (particularly the extension of AFDC to two-parent families in the remaining twenty-four states that currently cover only single-parent households). Thus the message of this year's welfare-reform bill is all too plain: for the Democratic party, welfare dependency is still something to be lamented, not attacked.

SO WHAT IS the answer for welfare mothers? According to Ellwood, a new kind of social-insurance system must replace the existing welfare system. It would consist of three components: a substantially revised tax code that would steer more money to the poor; a universal child-support and health-insurance program; and a time-limited cash-assistance program that would be followed by the provision of minimum-wage jobs once cash assistance was cut off. Ellwood's plan is neither simple nor new. New York Governor Mario Cuomo's task force on poverty and welfare, of which Ellwood was a key member, essentially issued the same set of recommendations in December 1986. Still, *Poor Support* is considerably more accessible to the lay reader and has the added advantage of coming from the welfare system's patron saint.

Ellwood's proposals for a universal child-support system and the long-term elimination of relief would radically alter the existing welfare system. For opposing reasons, they will induce anxiety attacks among liberals. On the one hand, *Poor Support* minces no words about the need to curtail welfare benefits. Ellwood thinks that cash assistance to welfare mothers should end after eighteen to thirty-six months, even if the mother has another baby or doesn't want a minimum-wage job. "It may seem unfair or harsh," he writes, ". . . . but unless we replace the welfare system, we will not solve the problem that there is little aid, incentive, or pressure for single parents to work." Under the Ellwood plan, it would be virtually impossible to become a long-term welfare recipient.

In contrast to his damning comments about welfare, Ellwood heaps faint praise on recent child-support reforms. Here Ellwood comes at the Democrats from the left, criticizing their failure to substitute a radically expanded child-support system for AFDC. When the first wave of child-support reforms was enacted in 1984,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Congress authorized state officials to use a new set of collection techniques for raising money from delinquent noncustodial parents. Ellwood, however, properly dismisses the 1984 reforms as having "only a modest effect," because they merely make it easier to collect money from a father who is already delinquent.

The real problem is not so much collecting money that is *already* owed, but establishing child-support awards for women who have none—and then making sure the awards are indexed for inflation and changes in the father's wages. Ellwood notes, for instance, that only about half of all single mothers even have a child-support award and that the average annual payment is a meager $2300. (The figures for AFDC mothers, many of whom have yet to establish paternity, are even worse—only 10 percent actually received child-support payments in 1986.) The welfare-reform bill will raise court-ordered child-support payments somewhat in the years ahead, but it won't affect the existing mass of old, inadequate awards, and it only begins to help establish paternity. All in all, the new child-support reforms will work a little like catalytic converters, which won't reduce auto pollution much until the old cars get off the road.

Ellwood, by contrast, doesn't want to wait. He favors a guaranteed minimum child-support benefit for those mothers who receive too little from absent fathers. Under that plan, pioneered by Irv Garfinkel of the University of Wisconsin, dad pays mom a standard share of his income (17 percent for one child, 25 percent for two, and so on), but the government pays mom a minimum benefit of around $2,000 per child if dad has little or no money. In contrast to the recently enacted child-support reforms, the assured-benefit plan (according to Garfinkel's estimates) would essentially cut the welfare rolls in half.

The question, of course, is whether a guaranteed child-support benefit isn't just another form of welfare. Ellwood's claim that the two are totally different isn't convincing, but he does argue plausibly that the child-support benefit plan is a better form of welfare. Since all single parents with children would automatically be part of the system, poor women would feel less stigmatized when they got a support check; they could also keep earnings from a job without fearing that a nonstop set of earnings and assets tests would disqualify them from getting aid. Moreover, poor two-parent families would be ineligible for the minimum child-support benefit, further reducing the rolls. And by limiting cash relief to eighteen to thirty-six months, Ellwood would remove from the rolls those chronic welfare recipients whom policymakers and the voters now rightly resent.

THE MOST intriguing aspect of Ellwood's book is that he goes well beyond proposals to curb the dole. He argues instead that the poor in America have been badly misunderstood, largely because of the recent flood of news coverage about the inner-city underclass. According to Ellwood, even if *every* poor resident in impoverished

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

neighborhoods in the nation's hundred largest cities in 1980 was properly deemed a member of the "underclass," that hard-core group would amount to less than 7 percent of the nation's poor. "Poor Americans are more often among us than isolated from us," he admonishes. "The full-time working poor, the retired and disabled, divorced mothers struggling to get on their feet, unemployed workers, rural farmers, young families who are starting out—these are much closer to the true faces of American poverty."

In Ellwood's view, those bearing the "true faces of poverty" pose a more tractable problem than the underclass. Though he gives the obligatory nod to the "new candor" about the ghetto poor, Ellwood thinks politicians and policy analysts have been so daunted by the underclass that they have mistakenly abandoned the larger war on poverty.

Ellwood contends that a series of changes in the tax code—such as making the child-care credit refundable for poor families, changing the earned-income tax credit so it varies by family size, and creating a government-sponsored residual insurance plan for those with inadequate health coverage—can substantially reduce the number of poor Americans, particularly the number of working poor. His plan is based on what his colleague Mary Jo Bane calls the "divide and conquer" strategy. Its premise is that people are poor for different reasons, and that therefore no single program can help all of the poor. For instance, men who head poor, two-parent families tend to work in low-wage jobs, so they need tax relief and a higher minimum wage to move them out of poverty. Single mothers need more child support and the opportunity to work in part-time jobs while they care for their children. The ghetto poor need all of the above, as well as some localized, guaranteed-job programs to remedy the exodus of low-wage jobs from the inner city.

Fortunately, both liberals and conservatives are starting to take a more sophisticated view of the poor, as Ellwood has urged. The most far-reaching antipoverty initiative of the decade, for instance, turns out to be the nonpartisan 1986 tax overhaul—which provides about $5 billion of tax relief a year to the working poor. Both liberals and conservatives now urge that the earned-income tax credit be expanded. George Bush has proposed a refundable tax credit for poor families with child-care responsibilities and favors an increase in the minimum wage, two Ellwood favorites. And in the health-insurance arena, both Bush and Dukakis touted plans to extend coverage to some or all of the nation's impoverished and uninsured children.

IN THE END, the chief shortcoming of *Poor Support* is that its recommendations are too tidy. Several of Ellwood's proposals sit uncomfortably with his previous research, and too often they read more like the jottings of an economist than the counsel of a savvy program administrator. For instance, his attempt to link the break-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

down of ghetto families to the movement of low-wage jobs out of the city is not altogether convincing. Taking its cue from William Julius Wilson, *Poor Support* argues that this exodus put many inner-city black men out of work, making them economically unsuited to be husbands and fathers. Several years ago, however, Ellwood studied unemployment among young blacks in two Chicago ghettos, one near the site of many new suburban jobs and another far away. Black teenagers in both neighborhoods had similar unemployment rates, leading Ellwood to conclude that there was "virtually no evidence in support of the [job] mismatch story"—a finding he soft-pedals in the text of *Poor Support* and mentions only obliquely in a footnote.

This sort of oversimplification leads Ellwood to ignore some practical matters. He fails to examine the experience of Western European nations, several of which have social-insurance schemes similar to that proposed in *Poor Support*. Closer to home, his discussion of Wisconsin's experiment with a minimum child-support benefit is too sanguine. Although Ellwood suggests that Wisconsin has already started an assured-benefit program, that pilot project won't begin until at least January 1989 (about three years behind schedule).

In fact, the much-touted Wisconsin experiment shows why child-support reforms work more slowly than Ellwood anticipates. The states, not the federal government, write child-support laws and set staffing levels, and many legislatures do not consider child support a priority. In Wisconsin, the Democratic administration at first was enthusiastic about the assured-benefit experiment—and then halted planning for it because it might reduce state funding for child care.

After a year of debate, the Democrats changed their minds. But then a Republican governor was elected and he took a year to decide that he liked the assured-benefit plan. Nor did the initial stages of the plan—which required noncustodial parents to pay a prorated percentage of their income for child support—work out as envisioned. Most of the court clerks were unwilling to keep track of the earnings of noncustodial parents after they left the courthouse, so even if dad's salary rose in later months, his child-support payments stayed the same.

ASSUME for the sake of argument, however, that Ellwood's non-welfare strategy *would* work exactly as envisioned. That still leaves a final question: Is it fair to ask taxpayers to subsidize such broad-based "universal" programs to help the poor? The one obvious advantage of existing means-tested programs is that they target money to the needy instead of the middle class. Ellwood acknowledges that his reform scheme will cost lots of money, perhaps upwards of $30 billion annually. That alone makes his plan politically implausible for the next few years (although it wouldn't preclude the federal government from funding some neo-New Dealer pilot

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

programs). Ellwood does, however, present two convincing arguments showing why universal programs are preferable in the long run to means-tested ones.

The first is that his proposed reforms are not sloppily targeted after all—they do primarily help the poor. He favors the kind of income-testing already implicit in the tax code, and the various tax credits he proposes generally phase out at low income levels. His other initiatives are not "universal" in the way that Social Security is, but are more like unemployment insurance: some middle-class workers will resort to the programs in hard times, but the majority of participants will be poor.

Second, Ellwood argues that the kind of means-testing that goes on in welfare programs inevitably produces perverse results. He shares the view of Wilbur Cohen, who used to observe that "programs for the poor become poor programs." That point was underscored for Ellwood by a welfare mother who came to talk to one of his Harvard seminars about life on AFDC. Her most frustrating moment, she explained, was when her house burned down. She called her caseworker for help in finding emergency shelter and was told, "Fine, we'll help you as soon as someone can get out to your house—to make sure it burned down."

The moral of the story is that all means-tested welfare programs run on distrust, since social workers must constantly verify that applicants are still eligible for benefits. In addition, slight rises in income can make recipients ineligible. When that happens, says Ellwood, "people are inevitably going to feel like they're hit when they're down, rather than helped when they're needy." As the process gets repeated over and over again, the poor who fail get the most attention, while the rewards for those who succeed get diluted. The result, Ellwood concludes, is that the "traditional routes to success lose both their status and their appeal."

That Charles Murray-like statement points out just how far the neo-New Dealers have come in their distrust of the welfare system—and how far mainstream liberals still have to go. Sadly, most politicians still talk about reforms that expand welfare benefits or create a few new jobs for welfare recipients. So next time your Representative or Senator champions a welfare-reform plan, ask him Ellwood's question: Why shouldn't welfare be replaced?

David Whitman is a senior editor of U.S. News and World Report.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Pitfalls of School Reform

CHESTER E. FINN, JR.

Gerald Grant: **The World We Created at Hamilton High.** *Harvard University Press. 285 pp. $24.95.*

Judith Lynne Hanna: **Disruptive School Behavior: Class, Race & Culture.** *Holmes & Meier. 246 pp. $39.50 (cloth), $22.50 (paper).*

SCHOOLS are remarkably fragile institutions. Like people with severe allergies, their routine functions can easily be disturbed. For schools to excel, many different elements must be present in just the right quantities and proportions.

It is far easier to cripple a school than to create a success where one would not normally occur. Indeed, the greatest frustration of contemporary education reformers, who dream of finding the policy formula that will reliably produce more good schools, is that so many of the essential elements of an effective school are subtle institutional qualities that appear in some settings but not in others and are wickedly difficult to induce artificially. These qualities include adroit leadership, team spirit, a clear sense of purpose, and an ethos of achievement.

Policymakers, alas, have not figured out how to draft laws or regulations that reliably yield such features. Still less do they know how to confer authority, competence, and respect on a school's principal and teachers, or to generate an organizational culture that reveres and fosters the values of a fine education.

Yet there are a hundred different ways in which public policy can upset the delicate balance of a good school, undermining standards and altering successful organizational climates. Seldom are these effects willful; one travels a long way in the United States before encountering a public official who savors the ruin of good schools. Often a damaging change is the result of a worthy impulse gone astray or the unintended consequence of an otherwise commendable policy.

Sometimes, of course, a change that disrupts schools is not policy-driven at all, but simply the result of secular shifts in the world outside the schoolhouse doors—shifts that are poorly anticipated or weakly addressed by the educational system, or that are beyond the schools' power to control. Drug abuse, for example, has greatly damaged more than a few schools; but they find it very difficult to prevent, even within their walls. Absent, ineffectual, or abusive parents are likewise beyond the control of schools, and it is well-established that their youngsters are not apt to excel in the classroom.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

GERALD GRANT'S splendid book, *The World We Created at Hamilton High*, is a detailed case study of one school that was buffeted by two decades of dramatic social change and policy response. Though it functions more satisfactorily today than during its worst years, it is not so good as some other schools—and not nearly so good as it and thousands like it need to be if they are to do their part in lifting the nation from educational decline to something approaching adequacy.

Hamilton High is a pseudonym for a real secondary school in an upstate New York community—presumably Syracuse, where Grant lives and teaches sociology and education. A former reporter for *The Washington Post* and one-time protégé and coauthor of David Riesman, he is superbly equipped not only to recount this tale but also to reflect upon its lessons.

The Hamilton High of the fifties and early sixties was a conventional "good" school. Its students were white and middle class, living in stable homes and neighborhoods. They were generally well-behaved. Most went on to college. The curriculum was traditional. Teachers regarded Hamilton assignments as plums and so the school boasted a solid and stable faculty. The community was pleased with its school and so were those working and studying inside it.

Then came the big changes: desegregation and racial tension, a shift in the socioeconomic composition of the student body, the emergence of an educational "caste system" as fewer students were college-bound, widespread indiscipline, and the secondary-school backwash of the protest and antiwar movements of the late sixties and early seventies.

In 1968 came the first student riot, in which "chairs were thrown and tables upended; when [the principal] tried to stop it, he was clubbed over the head and sent to the hospital with a fractured skull." The following school year brought so many clashes that the school had to be closed ten times. After a memorial service for Martin Luther King, Jr., for example, "black students rampaged through the school, breaking equipment in a physics laboratory and tearing into the library, where they overturned tables, swept books off the shelves, smashed windows, and tore up floor tiles."

School administrators found themselves spending most of their time on discipline. Civil-rights organizations, the police, and the courts got involved. Teachers grew fearful and demoralized, the more so when a new principal, following the mode so familiar on college campuses of the period, decided to solve the school's problems by holding "rap sessions" and making the institution "student oriented rather than teacher oriented." This entailed eliminating various faculty prerogatives—and stripping teachers of what little authority they still possessed.

The 1970-71 school year was the worst of all, as students had knife fights within the building and the principal's life was threatened. The following year, the situation at Hamilton High stabilized

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

into a sort of sullen truce—mainly as a result of the arrival of a large number of ethnic working-class white students who were inclined to fight back. But Hamilton High was not a happy school. By 1971 almost three-quarters of those who had taught there five years earlier had retired, resigned, or transferred.

HAMILTON HIGH was an altogether changed institution. There, as elsewhere, the seventies were an era of few rules and requirements, of student-centeredness and student power. Grant describes a yearbook photo of a student holding a sign saying "Zoo: Do Not Feed the Teachers." Drug use was widespread—and not just among students. Faculty members were called by their first names. Romantic liaisons among teachers became more common and more public. Many parents stopped supporting the school's efforts to enforce its own rules. When one teacher attempted to curb a student's chronic tardiness by making her bring a note from home when she was late, the youngster's mother reprimanded the teacher for her "middle-class hang-up about time." Above all, the school and its faculty lost authority. Teachers could no longer rely on each other to support norms of behavior. Said one guidance counselor about student drug use: "It's not a problem if there is no effect on the kid's performance. I mean, who are we to say what's right or wrong?"

The decline in formal academic requirements and the proliferation of electives, far from ending the academic caste system, actually reinforced it. Students, Grant writes, "now tracked themselves," seeking out the easy (or difficult) courses and, except when parents intruded, easily avoiding what they did not want to study.

Integration did not produce racial equality. The "basic" classes at Hamilton High became predominantly black, the college-preparatory classes nearly all white. "Blacks of average intelligence," Grant reports, "were not expected to achieve like average whites. . . . [B]lacks experienced a widespread sense of failure. The irony of desegregation for black students was that it brought them together with whites only to increase their sense of distance."

Yet another wave of changes washed over Hamilton High in the early eighties, as two new groups of students arrived in significant numbers: Asians and the handicapped. Suddenly added to the faculty were five teachers of "English as a second language" and eleven teachers of disabled youngsters. The "mainstreaming" of the "different" boys and girls into the life of the school created all manner of trying situations that the school was unprepared to confront.

Older tensions, however, abated some. Black-white relationships among students improved considerably in the eighties, as the overall racial composition of the school stabilized (at about 35 percent black) and as a citywide voluntary transfer plan enabled individuals to select their school or program. (Thirty-seven percent opted for schools outside their neighborhoods.) As for academic performance, Grant concludes that the test scores of Hamilton High

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

students also stabilized—though not at a very lofty level, inasmuch as a fifth to a third of the sophomores failed the state's minimum-competency tests in English, math, and social studies.

As graduation requirements were toughened in the early eighties, more Hamilton students began to enroll in demanding courses. Also helpful was a 1984 "no pass, no play" regulation for student athletes adopted by the school board. Some of the harm caused by the elective curriculum was thus mitigated. Yet in the school as a whole, despite the "interpersonal ease between teachers and pupils," much was missing. Cheating was widespread. Litter was everywhere. School spirit was slack. Insofar as there were any school rituals, they celebrated "individuality and freedom" rather than communal values. There was practically no sense of community and few fixed standards. At Hamilton High School today, concludes Grant, one finds "weak norms, high tolerance for the illicit as well as for the variety of human life, and freedom to go one's own way, although that freedom can degenerate into 'the feeling of every man out for himself.'"

THIS PROFOUNDLY MIXED review of one contemporary American high school accurately reflects the present situation in many of the nation's 75,000 public schools, and in a number of private institutions as well. Yet this situation is not inevitable, as Grant goes on to show by depicting several schools of a very different sort, places in which, to use his recurrent phrase, one finds a "strong positive ethos." By this Grant means a school "that affirms the ideals and imparts the intellectual and moral virtues proper to the functioning of an educational community in a democracy. It attempts to commit its members to those ideals and virtues in at least a provisional way through the espousal of goals, exemplary actions and practices, ritual celebrations and observance of norms."

How can one create such an ethos? This, of course, is the hard part, and Grant's advice, while plausible, is no sure recipe. The key determinant, he writes, is "the way that teachers and staff exercise their intellectual and moral authority." Neither the traditional authority of the tribal unit nor the "legal-rational" authority of the modern bureaucracy is suitable for a school in the 1980s. Schools must foster their own distinctive brand of authority, wielded by individuals but grounded in communal values. That this authority can be produced by purposeful policymakers and educators remains, to me at least, more to be hoped for than to be expected. But Grant's recommendations make sense. He urges decentralized decision-making, such that individual schools will end up differing considerably from one another in ways determined by their own professional staffs, though all within a uniform framework of minimum standards set by policymakers. As schools diverge in curriculum, organization, and pedagogy, it is only fitting—as Grant urges—that students and parents be able to choose among them. He

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

also recommends restructuring the teaching profession to include a "career ladder," various quality-control measures, an apprenticeship approach to teacher training, and much more teacher discretion over classroom practice.

Grant's prescription is roughly compatible with that being given by other thoughtful school doctors. It is based on research and observation, experience and intuition, an assessment of what can be mandated from above and what must be done at the grassroots. It is not a simple formula, though, and it is full of elements that can themselves turn sour, beget unwanted side effects, or fail because the people to whom their execution must be entrusted are stubborn, short-sighted, or incompetent. It is possibly too intricate to survive the political and bureaucratic obstacles that lie before it. Yet it is insightful and humane, mindful of the blunders (and partial successes) of previous changes and painstaking not to do more harm than good.

JUDITH LYNNE HANNA also proffers guidance for educational policy and practice. Hers is not so rich or readable a book, but it is a courageous one. She has taken up one of the taboo topics of our hypersensitive age: how the lofty social and educational ideals of racial integration can be compromised, even negated, by the vexing realities of life within the newly integrated school.

The subject of her analysis is the Hamilton Park Elementary School. Located near Dallas, it was turned into a magnet school in the mid-1970s for purposes of integration. Hanna became acquainted with the school when she and her husband enrolled their two children there. Full of extra resources and services, it looked to them like an exemplary educational institution. Not long into the school year, however, the Hannas were surprised to discover that their sons did not like the school. In particular, they began "speaking negatively" about their black classmates, something they had not done when they had attended an integrated school in the North. This led Hanna to talk with other parents and, when she discovered widespread unhappiness and hostility, to obtain permission to spend time in the school observing and interviewing.

She found much anxiety, fear, bullying, and harassment among the children attending HPES. The major cause was an epidemic of what the children termed "meddlin'," defined by one youngster as when "somebody just be messin' with you, just to try and aggravate you, just hit ya and do it with words." Nearly all of this "meddlin'" was done by lower-class black youngsters, who filled most of the spots reserved in the school (by court order) for blacks.

The epidemic had spread far enough that a majority of the white students and a sizable plurality of blacks told Hanna that they feared other students. And with few exceptions, it was black youngsters whom they feared, especially black boys.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Among the consequences of "meddlin'" and the fear it induced were weak academic achievement (as "formal schooling took second place to the foremost challenges of the hidden curriculum"), disrupted classrooms, distracted teachers, shaky friendships among children, the emergence of prejudice among youngsters, and new patterns of spontaneous segregation as boys and girls sought to avoid the students most apt to harass them.

Hanna's data plainly discomfited her. This may account for the eleven-year lag between observation and publication and the elaborate (and sometimes dubious) explanations she proffers. The heart of her analysis is her distinction between black lower-class culture and the middle-class culture embraced by all the white students and a handful of the black ones at HPES. She attributes most of the school's problems to the clash between these cultures.

Many pages are devoted to drawing this distinction. Occasionally she drifts into the deep end, as when she suggests that the more "expressive behavior" of the black lower-class culture "differs from middle class behavior largely in response to perceived restricted economic opportunity." And she volunteers some speculative explanations that make her sound like an apologist.

But Hanna seldom loses sight of the central importance of school culture or the necessity for it to strengthen norms of good behavior, achievement, and tolerance. While urging that academic studies be made more relevant to youngsters from varied backgrounds, and that teacher styles and classroom practices be modified to appeal to lower-class students, she draws the line at an exaggerated cultural pluralism: "Proponents of this orientation," she rightly if clumsily observes, "often do not consider that the unmodified public existence of an autonomous minority culture may be a barrier to opportunities controlled by the majority. This is especially so if such manifestations as meddlin' violate notions of appropriateness in dominant American culture."

In the context of education policy today, this is a fairly gutsy thing to say, since it opposes the guiding precepts of relativism and separatism. But Hanna's intention is to be helpful, not dogmatic, and for that reason she devotes the last two chapters to advice for teachers, school administrators, and policymakers. She urges many specific actions, some so obvious as to be banal (have teachers "diffuse [sic] explosive situations"), others long familiar to desegregation experts (furnish educators with "cross-cultural training"), still others far-reaching policy shifts (foster school choice, even vouchers).

Successful schools, the author acknowledges, may be even more important—particularly for lower-class and minority youngsters—than integrated schools. Integration is looking ever less satisfactory as an end in itself, compared with the goal of providing a first-rate education to all children. Such an education demands good schools, which means places not subject to widespread "meddlin'" and other disruptions, schools with an ethos of achievement and a culture that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

rewards academic learning. HPES, like Hamilton High, is a school that, at least for a time, gave its students a less-than-optimal education because of changes in its environment, the unintended consequences of well-intentioned reforms, and the failure of those in charge to appreciate the fragility of the school culture.

Hanna's and Grant's advice will probably not turn out to be foolproof. Most of it, I judge, is worth trying anyway. But the greater contribution of these two volumes is to provide a set of concepts and insights that, carefully borne in mind, should reduce the chances that the next round of education reforms will make matters worse.

Chester E. Finn, Jr. is professor of education and public policy at Vanderbilt University and director of the Educational Excellence Network. He was previously assistant secretary for research and improvement and counselor to the secretary at the U.S. Department of Education.

Vigilante Victim

JOHN J. DiIULIO, JR.

***George P. Fletcher:* A Crime of Self-Defense: Bernhard Goetz and the Law on Trial.** *The Free Press. 253 pp. $19.95.*

BERNHARD HUGO GOETZ was never quite so sheepish as he looked, George Fletcher tells us. "As a nuclear engineer working on submarines, he would point out design and manufacturing defects to the Navy that his bosses in private industry allegedly preferred to suppress." An "individualist who could not readily surrender to corporate authority," he started running an electronic-repair service out of his apartment on 14th Street in Manhattan.

One day in 1981, while carrying electronic equipment in a New York City subway station, Goetz was jumped and seriously injured by three young males; yet he fought back. An off-duty sanitation officer helped Goetz subdue one of his attackers. The police interrogated Goetz for six hours; they let his attacker go in less than half that time, charging the youth merely with criminal mischief in the fourth degree.

Immediately thereafter, Goetz applied for a pistol permit; he later claimed to have spent $2,000 on permit procedures. But the license division of the city police rejected his application without explanation. Frustrated and afraid, the slightly built Goetz started

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

carrying a gun anyway. Twice he scared off would-be muggers by brandishing his weapon.

It was his third use of a gun that made Goetz famous to some, infamous to others. On December 22, 1984, he boarded a New York City subway car and sat down near four young males. The youths were rowdy enough to cause the fifteen to twenty other riders to move to the opposite end of the car. But Goetz didn't join them; he was carrying a loaded five-shot Smith and Wesson .38 revolver.

The widely publicized details of what happened next are familiar but bear repeating. One of the youths said, "How are ya?," and then asked Goetz for five dollars. Goetz asked him what he wanted, and the youth repeated, "Give me five dollars." Goetz opened fire, shooting all of the teenagers. One boy was seated by the conductor's cab. Goetz said, "You seem to be all right; here's another." The shot severed the youth's spinal cord. After someone pulled the emergency brake and brought the train to a halt, Goetz left the car and disappeared into the subway tunnel. Behind him three teenagers lay bleeding, and a fourth sat paralyzed.

After nine days as a fugitive, Goetz gave himself up to police in Concord, New Hampshire. One grand jury indicted him on three counts of illegal gun possession; a second grand jury added four counts of attempted murder, four counts of assault, one count of reckless endangerment, and one count of criminal possession of a weapon. Goetz dismissed his first attorney for hinting before a national television audience that he might use an insanity defense. Goetz believed that he had acted in self-defense and wanted to prove it.

In June 1987, a jury found Goetz guilty of criminal possession of a weapon in the third degree. On every other charge, including attempted murder against the boy he paralyzed, the jury found him not guilty. The judge sentenced Goetz to six months in jail, a fine of $5,075, and an additional four and a half years of probation. Goetz's attorneys appealed the sentence, claiming that it was unduly harsh. In early 1988, Goetz remained free on bail, still running his repair service out of his apartment.

WAS THE GOETZ case decided correctly? Was Goetz's reaction a legitimate act of self-defense? Fletcher, a Columbia law professor, thinks not, and he charges that we are "witnessing a return to absolutist thinking about self-defense, a return to the individualist philosophy that ignores the costs of a necessary defense to the aggressor."

In *A Crime of Self-Defense*, Fletcher addresses the "troublesome questions of moral and legal responsibility" that he believes are raised by the Goetz case. "When and under what circumstances should individuals be able to defend themselves? Should the race of the feared assailants be relevant? Who is in a position to judge whether acting in self-defense should be punished as a crime?" Fletcher observed the Goetz trial first-hand, and he was privy to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

many of its key behind-the-scenes episodes. He tries to make good use of this insider's experience, punctuating his account with biographical sketches, colorful anecdotes, hitherto unpublished information, and bits of courtroom drama.

Though he struggles throughout to create the impression of a neutral legal mind at work, and while there are several passages in this book that teach rather than preach, Fletcher's biases emerge clearly. Midway through his chapter on "Passion and Reason in Self-Defense," for instance, he avers: "So far as their crime on that day is at issue, we can only wonder what people mean when they say that those 'punks' . . . got what they deserved. What, after all, was their crime? Even if they were about to subject Goetz to a fierce beating, they would hardly deserve a punishment of being shot, paralyzed, being brought to the edge of death. No modern legal system would countenance a penalty of maiming or death for the crime of mugging." Of course, a central point in Goetz's claim of self-defense was that he feared the youths were going to do him serious or fatal harm; and even the most inelastic idea of a "fierce beating" implies the possibility of maiming, paralysis, and death for its victim.

I happen to sympathize with Fletcher's view of Goetz's act; I think it was a mean-spirited act of retaliation that arguably went beyond a reasonable course of action. And I would recommend this book to anyone interested either in the Goetz case or in the legal history and theory of self-defense; the dust jacket assertion that this is "the first intensive investigation" of the latter subject is a pardonable exaggeration.

OVERALL, HOWEVER, the book leaves much to be desired. Among other problems, there are serious defects in Fletcher's analysis of the case; in his understanding of urban crime; in his idealized presentation of the American criminal-justice system and what lawyers contribute to it; in his armchair psychologizing; in his equally amateurish presentation of competing moral and philosophical visions of self-defense; in his characterization of the racial issues raised by the Goetz case; in his media-bashing; and in his endless stream of elitist clichés about how Goetz "the Everyman" became "a folk hero because, as the folk saw it, his shooting brought these arrogant predators to their knees." The book is also repetitious and cheapened by high-sounding but empty prose; the author's publisher might be charged with negligent editing in the third degree.

In the opening chapter, for example, Fletcher claims that Goetz's father, who was tried for allegedly abusing two young boys, was "known for his authoritarian tendencies," and that the "torment of witnessing his father's prosecution may have contributed to the younger Goetz's contempt for the legal system." A few pages

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

later, he suggests that Goetz invited victimization by walking alone in Central Park, by living in New York instead of "somewhere like New Hampshire," and by riding the subway with electronic equipment "that could only have been an attraction to potential muggers." He asserts: "This pattern of behavior suggests what sociologists would call a propensity toward victimization. He was risk-prone. He chose not to avoid danger but to court it."

This is utter nonsense with a pseudoscientific twist. Logic like this would permit a rapist to defend himself by pointing to his victim's provocative style of dress.

On this point as on so many others—including, oddly enough, key points of legal theory that should be supported by appeals to relevant case law and scholarship—Fletcher seems to be parroting statements made during the trial by Goetz's prosecutor, Gary Waples. In his closing argument Waples suggested that Goetz was emotionally troubled and should "go somewhere else where his fragile sensibilities will not be so easily assaulted." Fletcher deems this "the right psychological insight" but a tactical error because "for most concerned New Yorkers . . . the issue was precisely the right of decent citizens to hold their ground against the terrorizing effect of the mugging subculture."

Fletcher, however, is ambivalent about the reality of the "mugging subculture." At some points, he argues that Goetz's "victims" represent "the underclass of teenage criminals" that fearful urban dwellers, both black and white, simply "want to believe in" and "want to believe the worst about." He chides the press for reporting that some of Goetz's "victims," each of whom had criminal records, were carrying sharpened screwdrivers; in fact, the implements were not sharpened. At other points, however, he is unblinking: "Given the tragic disproportion of crimes committed by black youth, ordinary sensible people cannot avoid considering race, along with youth, gender, dress, and apparent educational level, in making a judgment about whether a group on the subway bespeaks danger."

Like the media he faults, Fletcher harps on the racial aspects of the Goetz case. This emphasis is unfortunate, since the case itself did enough to reinforce the myth that most predatory street crime is black-on-white. In fact, as Fletcher acknowledges in passing, it is minority residents of underclass communities who are the favorite victims of the criminally deviant teenagers in their midst. That is why virtually every minority person called for jury service in the case supported Goetz, and why blacks who supported the verdict supported it intensely. It is why Andrea Reid, a black woman who had her baby with her in the subway car during the incident, said that she was afraid of the "punks who were bothering the white man," and that "they got what they deserved."

Fletcher eschews calling such criminals "punks," "predators," or "savages," and he waxes nostalgic about the criminological "men-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tality of the 1960s," a time when "a leading judge . . . argued that social deprivation should constitute an excuse for criminal conduct." To the poor blacks and other average citizens who might disagree, he can offer nothing but condescending remarks and discursive generalizations about how the legal process exists to temper passion with reason, to convert "our ill-understood rage into a stylized mode of debate about broader issues of criminal responsibility and fair procedure . . . beyond passion and instinctual conflict."

Average citizens, he laments, made Goetz into a "folk hero" in "a modern morality play in which right and order triumph over the forces of evil and disorder." This is how the law professor characterizes the widespread belief that legally sanctioned "passion" against criminals has wrongly been all but banished by the sort of "reason" championed by people like him. Yet the fact that Goetz's "victims" were free to intimidate innocent people on the subway, instead of being imprisoned for their previous crimes, itself provides grounds for this belief.

THOSE WHO BELIEVE that Goetz acted in self-defense, Fletcher suggests, can find support in the writings of two major Western thinkers, John Locke and Immanuel Kant. As Fletcher tells it, Locke and Kant offered an "individualist" conception of self-defense in which one can "do everything in his power, deploy all necessary means to end the encroachment and vindicate his autonomy." William Blackstone, on the other hand, offered a "social" conception of self-defense in which "the defender must absorb an encroachment on his autonomy rather than inflict an excessive cost on the aggressor." Fletcher worries that the Goetz case signifies America's unfettered embrace of the Lockean-Kantian conception of self-defense.

Among other basic problems with this analysis, both Locke and Kant could easily have defended themselves against such a caricature of their views on crime and punishment; nor could one who has actually read the *Second Treatise* and the *Metaphysics of Morals* possibly suppose that they offer the same conception of self-defense.

It is also hard to see the shadow of the "individualist" conception lengthening when the legal limits on self-defense have been, and continue to be, so extensive. Fletcher is alarmed by changes in the laws of some states that would appear to widen the legal latitude of citizens to defend themselves against would-be criminals; but no state is even close to making the plea of self-defense self-justifying. In every jurisdiction, the defender must meet some version of the basic tests that Fletcher correctly specifies: the attack must be imminent, the defender's response must be both necessary and proportional, and the defender must act with the intention of protecting himself rather than simply harming the attacker.

Did Goetz's act meet these tests, either in general terms or as they are codified in New York's criminal law? Again, I have my

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

doubts. The jury, however, was persuaded that Goetz acted justifiably, and Fletcher is at his best in explaining how they were persuaded. The book does not, as the dust jacket promises, make the "dramatic legal battles" in this case "come vibrantly to life"; in fact, several passages describing the courtroom tactics, twists, and turns are real snoozers. But Fletcher's portrait of Barry Slotnick, Goetz's colorful defense attorney, is memorable.

Slotnick emerges as a master trial lawyer capable of playing effective legal tricks without playing dirty. For example, over protests from the prosecutors, Slotnick convinced the presiding judge that the jury would benefit from a re-creation of the crime scene, using four black teenagers from the Guardian Angels to play Goetz's "victims." On another occasion, he used taunting but innocuous questions to provoke a furious outburst from one of the teenagers whom Goetz shot, an outburst that, as the judge commented, "conveyed viciousness and selfishness more effectively than words could. . . . The witness played right into the hands of Mr. Goetz's attorney." But Slotnick said nothing during the trial to amplify the racial overtones of the case: "The remarkable fact about the Goetz proceedings is that on the verbal level, at least, they were color-blind."

A Crime of Self-Defense is praiseworthy insofar as it reminds us that, in our legal tradition, self-defense is not a license for violent self-expression. But neither is self-defense some esoteric legal writ whose scope can be judged authoritatively only by legal theorists determined to minimize the moral and legal right of innocents to defend themselves, their loved ones, their property, and their community against predatory criminals. One suspects that Fletcher heard as much from the doormen, cab drivers, shopkeepers, and other ordinary citizens who, as he notes in the preface, looked over his shoulder at the manuscript and became "instant social philosophers." For most Americans do understand and appreciate that while an "absolutist" conception of self-defense is not justifiable, neither is the sort of minimalist conception offered here.

John J. DiIulio, Jr. is assistant professor of politics and public affairs at Princeton University.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Networks and the Nominees

DAVID M. IFSHIN

Byron E. Shafer: **Bifurcated Politics: Evolution and Reform in the National Party Convention.** *Harvard University Press. 391 pp. $27.50.*

AS THE primaries ended and the two major political parties convened for their nominating conventions during the summer of 1988, a familiar debate took place concerning the extent and role of television convention coverage and the efforts of the political parties to manipulate it. On the one hand, the managers of the presumptive presidential nominees' campaigns saw in the conventions an opportunity to begin the general election by projecting their candidates and their messages onto the national stage in order to improve their public images. Campaign management is now largely a matter of disseminating a candidate's message through television news and the other "free media." Recent conventions have provided campaign strategists with the largest single block of uninterrupted coverage their candidates received before the election. This coverage is even more important because it now tends to occur after intraparty rivalry has ended and generally without interference from the other major party. Through long and bitter experience, party leaders have learned that this critical opportunity cannot be squandered, and that political fortunes in November often rise or fall according to what the electorate sees on television in July and August.

On the other hand, it is not surprising that the networks' news divisions have resisted the campaigns' efforts to control what is broadcast. They will continue to resist them for at least two reasons. First, campaign use of network news to communicate directly with the public, without editorial interference, conflicts directly with two central requirements of journalism: editorial control and independence. Second, as conventions have evolved into largely staged events, an increasing number of viewers have tuned out. During the 1988 conventions, stories abounded in the press of skyrocketing videocassette rentals and family members rediscovering one another because of the absence of alternative programming.

There is an obvious connection between the control that politicians exert over the coverage of their conventions and the boredom that stage-managed conventions evoke as television spectacles. However great the disagreements dividing a party, a successful convention for the convention managers (though not, of course, for the network reporters) is one in which all disagreements are papered over. "No news" really *is* "good news": what is no news to the networks is good news to the parties. To create the appearance of peaceful agreement, the parties carefully orchestrate their conven-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tions now to project images of unity and strength. The networks have responded by shifting their coverage away from the podium to interviews, commentaries, and "behind the scenes" drama (real or imagined).

AS A RESULT, in effect there are now two conventions: one for those present in the convention hall and another for those watching on television. This is the bifurcation referred to in the title of Byron Shafer's book. The book cogently describes the transformation of the conventions from the bygone era in which they exercised real authority until today, when nominating majorities are constructed before the conventions assemble. The relationship of this transformation to the advent of live "gavel-to-gavel" coverage in 1952 is handled well, without losing sight of other factors contributing to the fundamental alteration of party allegiances and dynamics, such as increased affluence among voters and the disintegration of local party organizations. For the reader unfamiliar with this well-traveled terrain, Shafer provides an excellent history. The book's shortcoming is that it overexplains its subject matter, while failing genuinely to advance the debate on this important subject. To reach the last chapter, only to see Shafer conclude his exhaustive presentation with the familiar, unelaborated notion that a regional or national primary might improve the existing system, is a disappointment. Polling throughout the 1988 presidential campaign revealed steadily increasing dissatisfaction with both candidates and a mandate for a reformed nominating process that could produce more acceptable choices. With such dissatisfaction in the air, it is regrettable that Shafer's book does not contribute more to the intense and perhaps bitter debate to come.

Although Shafer does highlight some important issues, he often appears so eager to prove his point that he repeats the same ideas and illustrative examples tiresomely and a bit tendentiously. This problem is exacerbated by the inaccuracy of some of his examples. Thus, to support his point that campaigns are dominated by interest groups (itself a bit of a cliché after 1984) Shafer claims that the McGovern campaign was an instrument of the Vietnam Moratorium Committee, despite the fact that the Moratorium disbanded in 1971, *before* McGovern began to organize in earnest. Furthermore, the Moratorium was created by veterans of the 1968 McCarthy campaign who were eager to use their newly acquired political skills to advance an antiwar agenda. While senior McCarthy operatives led the Moratorium, no major Moratorium leader played a comparable role in the McGovern campaign—thus Shafer reverses cause and effect to support his conclusion. Similarly, as one of the organizers of the National Welfare Rights Organization's 1972 presidential campaign strategy, I was surprised to learn from Shafer that McGovern regretted our early support and consequent leverage on his campaign. In fact, we did not back McGovern until the last

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

primary, received no concessions from him at the convention, and lost our minority-plank vote on the floor.

With respect to Shafer's emphasis upon the impact of television, the Democratic conventions of the last twenty years lead me to believe that the phenomena Shafer describes are unsurprising products of the symbiotic relationship between politics and television news, in which each depends on the other for its continued survival, while the two have inherently conflicting goals. As television has brought the convention into our homes, campaign managers have understandably become obsessed with ensuring that the nominee gets the maximum "bounce" out of the convention and that the fall campaign begins with a positive public image of a united party. Democrats in particular, as Shafer recounts, have learned the bitter lessons of 1968 and 1972, when the turmoil of their conventions contrasted dramatically with the unity and the mainstream appeal displayed by the Republicans.

IT IS NO wonder that the managers of the front-running campaigns have conspired in uneasy alliance with defeated campaigns and interest groups to project a unified and positive image to the watching electorate, by suppressing underlying tensions while compromises and concessions are negotiated. The strategy of the winning campaign is simple: at all costs, keep dissension and discord off national television. These pressures ensure that almost any concession will be considered, particularly if it involves issues that will "only" affect developments after the general election. While the presumptive nominee may theoretically have enough delegate strength to control the convention, two threats always loom: disruption of the televised message of unity and the loss of a key test vote on a secondary (and often arcane) matter that could threaten the putative nominee's image of control, thereby jeopardizing the nomination itself. While neither of these events has actually occurred since 1972, the memories and recriminations of past conventions still control the political dynamic.

Amidst this entente, television reporters wander aimlessly around jammed aisles in the convention hall in search of nonexistent news, complaining bitterly to desperate anchors and frustrated producers that the orchestration by manipulative managers means that there is no point in watching. One network producer with whom I have shared many conventions and campaigns over the years ominously warned me on the floor in Atlanta that the networks were getting so frustrated with the manipulation and the absence of real news—along with the declining ratings—that there would likely be even less coverage in 1992. I replied that this should be welcomed by those who desire the return of meaningful conventions with real deliberative authority (rather than simply more conflict to entertain the television viewer). For only if the television cameras lose interest and go back to broadcasting summer reruns will there be even the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

remotest chance of the convention's restoration as a deliberative body. So long as the convention remains primarily a national television spectacle, there is no chance that the campaigns will allow a spontaneous, uncontrolled, and largely anonymous set of delegates to decide anything serious on their own.

But television will certainly continue to cover the conventions. It will artificially inflate developments that are of little real interest into high drama, simply because they better fit the medium and are controlled by the networks rather than the campaigns. Shafer describes this phenomenon well, using as an example the 1980 Republican Convention, when first CBS's Walter Cronkite and then other network anchors began heatedly to follow the "story" that Ronald Reagan was negotiating with former President Gerald Ford to have him be Reagan's vice-presidential running mate. While participants in the hall listened to a boring recitation of the platform, viewers at home were treated to an unfolding drama with little or no relation to real events. Not until Reagan entered the convention hall in a surprise visit after midnight did the "participants" have any idea of what most of America was watching.

THE IMPORTANCE of the televised image explains why even—in fact, especially—the most senior campaign officials are only secondarily concerned with what actually takes place on the convention floor. Floor management, while critical, is normally handled by a disciplined team of younger staff members (who are electronically linked to the delegations and use computer information to track the delegates) and floor whips. The thoughts and energies of the senior strategists focus on only one issue: what the networks are doing. It should come as no surprise that the ambition of every campaign manager is to land a place at the next convention in the real center of activity—the network broadcast booth high above the convention floor—in order to explain to the rest of the world what his erstwhile colleagues are doing to manipulate him.

This obsession was epitomized when Bob Farmer, the enormously successful Dukakis treasurer and fund-raising czar, told friends of the great moment when he finally got inside "the room" with the nominee-apparent and his closest advisors at the beginning of the convention. At last, Farmer recounted, all of his hard work would be rewarded as he became privy to secrets unknown to the rest of the world. After passing the throngs of reporters and entering the suite, however, he found everyone silently watching television to find out what was going on.

The manner in which the networks and their representatives acknowledge and respond to this new reality varies widely. While some correspondents and producers are genuinely concerned about the extent to which the news they are covering is distorted by their presence, others revel in their power to create the news they supposedly just report. This unbecoming trait is best personified by

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Donald Hewitt of CBS's "60 Minutes." Hewitt appears in one of Shafer's footnotes, gloating that he "loved" it when the *New York Times* complained that the networks were no longer providing gavel-to-gavel coverage. Citing a photograph he took of the empty press galleries when the 1984 Democratic Convention opened, Hewitt leapt to the characteristically unsupported conclusion that the reporters were "all back in their hotel rooms watching us." But most reporters do not spend much time sitting idly in the press gallery; instead they prowl the floor and its periphery as well as the access points to the campaigns' trailers (from which the floor management is directed) to collar their sources. Hewitt arrogantly asserts that the print reporters' absence from the gallery at the inception of the convention must have meant that they were back at their hotels watching CBS; but this simply underscores his own unfamiliarity with real journalism. Nonetheless, the fact that the networks do not provide gavel-to-gavel coverage increases the importance of what they broadcast. If the networks merely broadcast what took place on the podium, reporters would not have to monitor them to learn what the rest of America, including their readers, believe is happening.

NO ONE HAS exploited the parties' obsession with avoiding displays of disunity—and the networks' reaction of shifting their coverage away from the podium to events off the floor and out of the control of the campaign managers—more skillfully than Jesse Jackson. In 1988 Jackson managed to dominate the media coverage and thereby the convention itself for the first three days by creating tension and suspense around the ultimate issue in the era of orchestrated conventions: Would he or his supporters create a disruption on national television? Unfortunately for Democrats, the hapless and inept Dukakis campaign missed the point entirely: the intense and relentless coverage of the threat of disruption (particularly in the wake of Dukakis's alleged snub of Jackson, when he failed to notify him promptly that Lloyd Bentsen would be his running mate) was itself the very disruption that it was trying desperately to avoid.

For three days, the only story was what Jackson wanted. This "off-stage" drama then culminated on stage with Jackson's podium appearance for his speech. The unification of the two halves of the bifurcated convention at this moment demonstrated Jackson's mastery over both of them. The largest viewing audience ever for a convention speech thus went not to the nominee, but to his defeated opponent; as a result, millions of swing voters did not see a nominee taking charge of his party and its convention, but instead saw his defeated opponent outmaneuver him. As Shafer notes in his book, the concept of an opponent being given a major address in prime time before the presidential balloting in exchange for peace is a

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

recent phenomenon, itself a product of the increased leverage of defeated campaigns.

William Safire has argued that the tracking polls show that Dukakis's slide began not in August under the unanswered barrage of Bush attacks (although that certainly helped accelerate it), but rather in July before and immediately after the Democratic National Convention. Safire attributes the slide to the juxtaposition of Dukakis's actions and image alongside Jackson's during the convention period. If this is indeed the case, the media's focus on the drama away from what the convention planners had intended may have increased the Nielsen ratings of the networks at the expense of the candidate's performance in—and ultimately at—the polls.

The leverage at the disposal of defeated campaigns, such as that spearheaded by Jackson, raises a number of other important issues about the Democrats' nominating process. Prominent among them is the continuing possibility that one year the delegate-selection process may fail to produce a candidate with a preconvention majority—which would lead to a genuinely deliberative or brokered convention. The fact that a brokered convention did not occur in 1988 does not mean that the current nominating process provides some inexorable force that will always result in one candidate mustering a delegate majority. Thus in 1984 the Mondale campaign had to scramble desperately the day after the last primaries in California and New Jersey to identify the additional handful of delegates whose support was needed to attain a majority. Even though a brokered convention has yet to take place, its future occurrence cannot be ruled out—especially since the delegate-selection reforms proposed by defeated campaigns (and then accepted by the victorious campaign, so as to unify the party) continue to increase its likelihood. This is no accident, since the driving force behind rules changes recently has been the Jackson campaign, which has concluded that strict proportional representation (wherein the proportion of delegates pledged to a candidate would equal the proportion of primary votes he received) would enhance its bargaining power.

EVEN IF a brokered convention never occurs, the series of defeats produced by the Democrats' nominating process still needs to be addressed. Reforming the nominating process is too broad a topic to deal with here, but its discussion should begin with the recognition that the deficiencies of the current system deter many of the potentially stronger candidates from running, and offer too much hope to inexperienced dark horses who believe that their lack of national experience or exposure can be overcome by successes in the smaller and more controlled environments of Iowa and New Hampshire, followed by the boost that victories there might bring. The weaknesses of this system are not due to party rules alone. For the nominating process is not regulated in one forum, but in three. The delegate-selection rules that govern the mechanics of the nominat-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing process are promulgated by each national party; the parties' authority to promulgate and enforce their rules unencumbered by governmental interference has been consistently upheld by the Supreme Court. But two other sets of rules are equally important: the campaign-finance rules enacted by Congress, and the timing and sequence of the primaries as determined by the states within the limits set by national party rules. Only when there is agreement on the values that the nominating process should promote can a comprehensive system be enacted in all three forums to further those values. The chances of that happening, unfortunately, are remote. There are simply too many interests with a stake in the current system who are able to block any rationalization of the process. But if the Democrats continue to lose the presidency, sufficient pressure may eventually be exerted to reform the rules.

ONE ADMITTEDLY small step to loosen the hold of those interests on the present system would be to end the leverage that defeated campaigns now have on the bifurcated convention through the threat of disunity or discord, by shifting the locus of plenary power. The political parties are loosely formed institutions that are governed by their respective national committees. Yet under their charters plenary power—ultimate authority over matters of governance—reposes in the conventions, which are unsuitable arenas for the decision-making. For one thing, all votes at the conventions are controlled by candidates concerned with only one thing: the nomination. Since most delegates are chosen at the pleasure of the campaigns and are almost always primarily responsive to their direction, the votes actually cast seldom reflect the attitudes of the individual delegates. Rather, elaborate procedures are established by the campaigns to direct their delegates' votes not only at the convention itself, but also during the earlier standing-committee meetings. Conventions are therefore incapable of serving as deliberative bodies making careful choices for the future. Giving them any say over governance perpetuates the system's inequities.

Since the likely nominee must maintain a majority and be nominated by a unified convention, substantive issues tend to be subordinated to these goals unless they so contradict the candidate's position that they might constitute an unacceptable embarrassment. To avert the danger of conflict at the convention, those attempting to maintain control will almost invariably make compromises, which means that the convention cannot produce principled results. In 1984 the Mondale campaign recognized all too well that it was making concessions that would reduce the representativeness of future conventions, in order to secure a peaceful convention in the present.

Shafer does a credible job of anecdotally recounting virtually every significant convention dispute since World War II, but he fails to draw some fundamental lessons. Most significantly, he does not

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fully or creatively address this central issue of whether the convention should act as a deliberative body with true plenary power. In the absence of meaningful reform of delegate selection and a reformation of the entire nominating process itself, I believe not.

As presently constituted, the conventions are insufficiently representative to act as deliberative bodies. The lingering fiction that they are deliberative lies at the core of their deficiencies. This fiction in turn lends credence to other misconceptions. For example, the Jackson campaign's insistence on strict proportional representation is a fundamental misapplication of important Voting Rights Act and reapportionment-case procedures developed for state legislative assemblies whose functions clearly are deliberative; thus the assemblies should be fairly representative of those who elect them. Because of the impact of television, conventions are "bifurcated" and are suitable for only one purpose: to ratify the nomination and launch the campaign. As such, the selection of delegates in the primaries should aim only at selecting a nominee. So long as primaries are held over an extended period of time with multiple-candidate fields, strict proportional representation can only contribute to the possibility of a brokered or deadlocked convention, a prospect that the bifurcated convention of the modern era is wholly unequipped to handle.

Scholars who study the history of the nominating process and reflect upon its deficiencies should come to grips with issues like these. One wishes that Shafer had identified and dealt with them on the eve of what promises to be a renewed struggle over how we choose our presidents in the television era.

David Ifshin is a partner in Myerson, Kuhn & Sterrett, a Washington law firm. In 1984 he served as general counsel to the Mondale campaign.

In the Firm and in the Family

MONICA POWELL

***Victor Fuchs:* Women's Quest for Economic Equality.** *Harvard University Press. 171 pp. $18.95.*

ONE OFTEN hears talk of income disparities between members of different groups. Blacks earn less than whites; the elderly are growing more prosperous, while children are increasingly likely to be poor; and women, despite noteworthy advances among the single and educated, still make far less money than men. Such dispar-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ities are often raised in political debate as evidence of injustice, and hence of the need to redirect policy. The question of whether "economic inequality," as these income disparities are known, is itself an appropriate subject for political concern often goes begging.

Adding to the debate is a slim volume by Victor Fuchs entitled *Women's Quest for Economic Equality*. Fuchs, a professor in the Departments of Economics and of Health Research and Policy at Stanford University, carefully outlines some of the causes and effects of the persistent income gap between American men and women. Despite its rather dramatic title—the word "quest," after all, seems better suited to a search for the holy grail than for a pay raise—the book is mostly devoted to a sober presentation of facts and issues involving the economic status of American women. A single chapter at the end addresses the relative merits of proposed policies.

Books such as *Women's Quest for Economic Equality* deserve more credit and perhaps more readers than they are likely to get. Fuchs has the ability—rare for an economist—to explain simple economic principles clearly. People seeking to improve their understanding of the debate over such current concerns as health care, day care, and the "feminization of poverty" would do well to look through this book. No background in economics is necessary to understand its careful explanations of policy and problems. But the eminently useful niche that Fuchs has carved out for himself is not the stuff of which best sellers are made; and in spite of Fuchs's gift for clarity, he fails to transcend the dryness for which his field is often derided.

Nevertheless, the book deserves praise both for what it is and for what it is not. Fuchs does a commendable job of keeping his own preferences out of the exposition, and he clearly distinguishes opinion from fact, although one may gather from some of his language that he is somewhat liberal—perhaps even a little quirky. In the introduction, for instance, he informs us: "I am a religious person, in the sense that the principal function of religion is to inculcate faith in the possibility of human improvement." At the conclusion, he mentions that "unlike other male primates, human fathers did become involved with their children, but typically in a patriarchal, hierarchical context." One can understand perfectly well what he means, but his perspective is off: Why should he call faith in human improvement the essence of religion? And how can adults raise children in such a way that the relationship is not "hierarchical"?

Fuchs's more conservative readers may find irksome his persistent use of words like "hierarchical" and "patriarchal" to describe traditional marriage. But they may take solace in the fact that liberal readers will not be pleased with his skepticism about "comparable worth" or his assertion that discrimination is at most only a minor factor in the continuing wage gap between men and women. His book is balanced and moderate, then, in the sense that politically

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

moderate readers—those near the middle of the prevailing balance—will appreciate it most of all.

SO HOW are women faring in their quest? "When economic well-being is measured comprehensively, women are worse off than men and, as a group, have made no gains relative to men since 1960." That answer may surprise; while it is true that the disparity in wages between men and women has notably diminished since 1960, the measure of "economic well-being" also takes into account hours of unpaid work, access to extra-market goods and services, and leisure time. In the 1980s, adult women of all educational levels work fewer hours on average than do their male counterparts—for pay, that is. They continue to do far more work in the home—devoting 2.3 times as much of their "leisure time" to child care and housework as men. In countries such as Sweden, where stupendous efforts have been made to equalize the contributions of men and women in the marketplace, women continue to shoulder most of the twin burdens of child rearing and housekeeping. Or as the French and Fuchs have it, "*Plus ça change, plus c'est la même chose.*"

These stubborn realities have surely hampered women's efforts to increase their earnings, but it would be difficult to call them unequivocally bad, or even to see in them incontrovertible evidence of inequality. Women devote more time and energy to their children than do men; such behavior, however, may reflect the wishes of both sexes rather than the coercive power of men. So long as women and men divide their labor at home unequally—and it appears that they always have—a very good strategy for a woman who wishes to achieve economic equality with men is to marry one and to work fewer hours for pay than he does—which, of course, is what a large number of American women have chosen to do. But where the quest for economic equality has been paired with the quest for economic independence from men, women and their children have not fared at all well. High rates of divorce and unwed motherhood have increased the need for many women to work and to be financially independent of men, and have caused many mothers to sink below the poverty line.

It is this "feminization of poverty" (not to mention "juvenilization of poverty") that is at the heart of many recent demands for changes in public policy—from child-care subsidies to new proposals for universal child allowances and tax credits for low-income families. Women are more likely to be poor than men, especially if they have children. The poverty rate for American children is currently 20 percent (compared with 11 percent for adults). Critics of statistics like the "child poverty rate" point out that only adults can truly be said to be above or below the poverty line, and that the rate appears artificially high because upper-income men and women are having so few children. Nevertheless, the statistic does say something about what the work force may look like twenty years from

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

now: children from poorer households tend to have poorer educations to match. As such, the child poverty rate, however misleading, is a cause for concern, and Fuchs rightly focuses on it as an important statistic relating to the economic status of American women. He recommends a child allowance to help equalize the economic positions of men and women. In fact, for a book about women's quest, the section of his book devoted to policy tends unexpectedly to treat women primarily as the mothers of children.

SOMETIMES his convictions obscure the facts he so carefully presents. In a chapter egregiously entitled "No One is an Island," he states that "once we recognize the legitimacy of women's quest for economic equality, the problems of children become everyone's concern." Fair enough; as the chapter title implies, other people's children are a public concern. But Fuchs's persistence in using concepts like "legitimacy" and "quest" is annoying. If the problem is simply that many women—particularly divorced and unwed mothers—need more money, then perhaps money ought to be given to them. "Women's quest for economic equality," repeated like an incantation throughout the book, casts more shadow than light on the current economic problems many women face. Those women who have truly turned economic equality into the object of a quest—well-educated, single, professional women—appear to have succeeded. Single mothers—who would benefit the most from a child allowance because they need it the most—have not embarked on a quest at all; they just need more money.

Fuchs is at his best when explaining basic economic principles and when making simple but telling observations about human nature and its impact on economic well-being—for instance, that women tend to be more actively involved than men with their children, which tends to hinder their economic advancement. He is at his worst when he attaches his observations to generalities and abstractions too large for the book: "The failure of many divorced men to pay alimony or child support is clearly a negative phenomenon, as is the hostility of some men toward women as expressed in rape and physical abuse." Rape and the failure to pay alimony, surely, do not belong in the same banal category of "hostility." Statements like this, however, are mercifully few and far between; for the most part, Fuchs sticks to what he knows best.

Monica Powell is assistant managing editor of The Public Interest.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

To House a Nation

LOUIS WINNICK

***Irving Welfeld:* Where We Live: The American Home and the Social, Political, and Economic Landscape, from Slums to Suburbs.** *Simon & Schuster. 319 pp. $18.95.*

IRVING WELFELD disproves the hypothesis that it is impossible for a bureaucrat to be creative. Although he has been employed by the Department of Housing and Urban Development (HUD) for 22 years with the Civil Service title of "Senior Analyst," one suspects, and this splendid book confirms, that he's actually a mole, planted at HUD by a secret society dedicated to the promotion of common sense.

The book is a masterly exposition of the recent history of American housing—both the immense achievements and the persistent failures. Welfeld, the watchful mole, relates with lively examples and telling details the faults and failures of massive government programs, some ill-conceived and others lucklessly gone astray. He lays out a series of inventive proposals to minimize the cost and maximize the fairness of subsidy programs by relying more on market mechanisms than on government administrators.

Unlike other components of America's social-welfare system, housing subsidies—with the exception of a few tax provisions—are not given as entitlements. The closest that Congress has come to thus anointing housing was the preamble to the Housing Act of 1949, promising "a decent home and a suitable environment for every American family." Definitional ambiguities aside, had some improvident Congress moved to fulfill the promise, it would have busted the national fisc. But Congress was quite chary about funding these goals, and not without reason. In 1968, in a fit of Great Society enthusiasm, the Johnson administration set a ten-year goal of 600,000 units; the accelerated building over the next four years resulted in disastrous repossessions and deficits, with losses in the billions. President Nixon was left to pick up the pieces, leading to his stunning moratorium of January 1973.

Because housing is not an entitlement, there are difficult political choices to make about fairness. Within any given income class, some families will obtain benefits while others, often in greater need, will not. And substantial subsidies become accessible to the nonpoor long before the pool of the genuinely disadvantaged is exhausted. Indeed, the current "housing crisis" (a circumstance that Welfeld dismisses with a heavy dose of skepticism) puts on an equal footing the yuppie couple yearning for a condominium, the widow on the waiting list for old-age housing, and the homeless in make-shift arrangements. All the political imperatives favor the nonpoor over the poor, because

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the nonpoor have more clout. Thus Michael Dukakis delivered his principal campaign speech on housing at Levittown and addressed it to the younger middle class—not many of whom live in substandard shelter. He appealed to their housing wants, not their housing needs, as such things are customarily defined. His proposals for aiding the truly needy were buried in one obscure position paper. The Bush campaign's position paper also said little.

BUT EVEN THOSE who seriously study housing policy face nearly insoluble problems, because of the housing sector's peculiar characteristics.

Housing is inflation-prone. Over the last century, the cost of developing a new unit and maintaining it thereafter has risen faster than the general price level. That is conspicuously true of multi-family buildings in big cities where the most intractable housing problems are concentrated. At the end of the nineteenth century private investors in New York could build unsubsidized, fully taxed dwellings for blue-collar workers. Investors in today's New York cannot build such housing despite generous subsidies. It is no surprise that the surviving marvels have been nominated as historic landmarks.

The factors behind the relentless increase in the real cost of housing are too tangled to present here. Among the most prominent are ever-higher costs for buildable sites, a thickening mantle of regulations (a trend at which Welfeld hurls his sharpest barbs), and relatively weak improvements in building productivity. Indeed, in the last century productivity has even declined in some respects. At the turn of the century, there was generally no more than a year between the day developers bought a site for an apartment project and the day the first tenant moved in; now it could take that long merely to prepare an acceptable environmental-impact statement.

The rise in real housing costs has played havoc with public policy. Notwithstanding the accusation that the Reagan administration slashed housing programs, the level of annual appropriations has climbed without interruption during the past eight years. Nonetheless, we are not building much more housing these days than we did in the early 1950s, when the population was one-third smaller and only half as rich, and when only a tiny sliver of housing production was subsidized. Indeed, in recent years funding for public housing has not been allocated to build new projects, but to meet operating deficits and to repair deterioration in projects built decades ago. Likewise a substantial fraction of subsidy appropriations has been diverted to failed or failing privately owned, low-income accommodations. Unlike appropriations for food stamps, which allow the poor to pay for tomorrow's groceries, appropriations for housing must also pay for yesterday's shelter.

Another consequence of rising costs is that people must spend an ever-greater share of income on housing, from 20-25 percent a

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

generation ago to 30-35 percent today. In 1955, when New York enacted its middle-income housing programs, rent was pegged at 14-16 percent of income. Currently New York's middle-income programs are geared to 30 percent of income. A simultaneous trend has been "income creep"—the broadening of eligibility for subsidies. No longer are housing subsidies confined to the "one-third of a nation that is ill-housed"; they also go to families with $35,000 or more striving to buy their first house or cooperative. In New York middle-income programs that twenty years ago were aimed at the middle third of the income distribution are now open to those within the top ten percent. To proffer subsidies to the middle class, and even to the affluent, is truly a politician's delight.

In addition to being inflation-prone, housing is site-specific. Unlike such benefits as Social Security and AFDC that go directly to recipients and are portable, most federal (and for that matter, state and local) housing subsidies are "project-tied," attached to specific buildings at specific locations. As Welfeld points out, an overwhelming proportion of rent assistance—even of putatively portable rent-assistance programs such as Section 8 and housing vouchers —is awarded under government contracts with landlords rather than tenants; the aid goes to the same address, regardless of the comings and goings of individual families.

Welfeld emphasizes that site-specific subsidies are inefficient. Typically, they also generate substantial neighborhood opposition, ranging from explosive fights over public housing and homeless shelters to subdued but firm complaints over architecture. Community opposition to subsidized housing has drastically intensified as the urban poor have come to include an emergent underclass of people deficient not simply in income but also in behavior. Low-income housing projects have few if any champions in the political arena. Officials rarely run for elected office on a platform to build more public housing in their districts; the attitude of the council members of Yonkers is the norm, not the exception.

WELFELD'S BOOK addresses most of these issues. His first five chapters are devoted to the background of America's housing sector—the dimensions and characteristics of the housing inventory; the structure and performance of the building industry; the revolution in mortgage finance; the rise of cities and the triumph of the suburbs. These are good and useful chapters, though a bit sketchy.

It is in the next seven chapters that Welfeld shows his strong suit—an ability to analyze government's efforts to cope with contemporary housing dilemmas. Here Welfeld writes with the assurance of one with extensive experience and an informed mind. He explains how federal programs have foundered, and why there was a forced shift from a strategy of production to a strategy of rehabilitation and a still incomplete shift from building-linked subsidies to housing vouchers.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Two themes run throughout Welfeld's volume. One is that the U.S. is, by and large, an exceedingly well-housed nation, because it is a democratic, market-based society in which government's hand on housing has been lighter than in other advanced nations. From this first theme flows the second, that it is important to seek market solutions to housing problems.

It is unusual in these times, given the current preoccupation with the housing crisis and the homeless, to pay tribute to America's enormous housing progress over the century, in the main the product of private consumers transacting with private builders, mortgage lenders, and landlords. Save for Australia (and perhaps Canada and the U.K.) no country approaches our rate of home ownership. And in no nation do home owners enjoy as many amenities and as much living space. In Japan, the planet's economic powerhouse, even the relatively affluent can only dream of reaching the American standard. Indeed, Welfeld indicates that we are, if anything, an overhoused nation, with twice as many rooms as people; this ratio is even higher for elderly home owners. No other country, furthermore, has been so inventive in devising effective mortgage instruments, or so sophisticated in integrating mortgage finance into national and international capital markets.

Though rejecting the notion of a "crisis," Welfeld acknowledges substantial housing needs. In his last chapter, the critic dons his public-policy hat. His proposals stress inexpensive solutions, centered on market incentives. For instance, Welfeld observes that there is not so much an aggregate shortage of housing space as a mismatch in its distribution, and that a growing elderly population owns much of the surplus. Why not, he asks, offer these people an attractive deal to relinquish their spacious homes to younger families, in exchange for smaller and more convenient accommodations? Were there a proper transfer mechanism, the elderly could be induced to buy labor-free condominiums that would cost them much less than they would earn by selling their homes. To allay anxieties over future rises in maintenance costs, Welfeld would provide them with an ironclad guarantee that the government would pay for these increases. Welfeld suggests that all parties to the transaction would benefit: young families would enjoy roomy, affordable homes, the elderly would enjoy capital gains and more suitable housing, and government would bear a lighter budgetary burden.

Welfeld directs a second proposal—a "pay more, get more" scheme—to renters. Those eligible for the plan would receive housing vouchers, adjusted to reward the willingness to pay more for better housing. The more income that families allocate to improving their housing, the higher their monthly "bonus." Thus a family prepared to spend 20 percent of its income on decent housing would receive X dollars toward the market rent. For families willing to accept a 21 percent monthly burden, the payment would rise to 2X dollars; at 25 percent, to 6X dollars; and at 35 percent (the upper

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

limit), to 13.3X dollars. Welfeld's financial arithmetic suggests that his plan is superior to existing rental-assistance formulas. He offers it as an economical way to provide the poor a satisfactory, but not extravagant, standard of housing.

THE BOOK is not without weaknesses. Having recognized an underclass among those with unsatisfied housing needs, Welfeld takes little note of its existence in his rental-bonus scheme. He assumes a rational and competent consumer—a vanishing species in today's poverty areas, in which it has become increasingly necessary for governments to issue two-signature housing checks lest rent-assistance allotments be dissipated. (A similar fallacy—namely, that the urban poor differ from other consumers only in their lack of money—pervades aspects of the conservative canon in other policy areas, leading to such recommendations as the negative income tax and school vouchers.) It is wrong to patronize the poor, but it is equally wrong to romanticize them.

A second flaw is that Welfeld unduly minimizes the innate inflationary tendencies of housing construction and maintenance. The gap between the purchasing power of the needy and market housing prices keeps widening. According to a recent study of HUD contracts dealing with privately owned projects built twenty years ago, at the expiration of the contracts Congress will have to spend $17 billion to prevent the poor and near-poor now living in them from being evicted. A more general problem is that Welfeld seems to underestimate the level of necessary subsidies.

Those nit-pickings aside, it is fun to let Welfeld be Welfeld. Among today's housing scribes, who else so impressively instructs as he so delightfully entertains?

Louis Winnick is an urban consultant at the Ford Foundation.

Civil Rights and Natural Rights

WILLIAM BRADFORD REYNOLDS

Clint Bolick: **Changing Course: Civil Rights at the Crossroads.** *Transaction Books. 152 pp. $24.95.*

CLINT BOLICK, a lawyer who has worked at the Justice Department and the Equal Employment Opportunity Commission, has written a book that should force everyone interested in civil rights to reconsider his or her views. *Changing Course* provides a lucid account of the rise and successes of the civil-rights movement,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

but it does not shrink from offering a penetrating analysis of that movement's failures. Bolick boldly proposes a fresh strategy. The book is gracefully written, and by concentrating on the legal and historical (as distinct from economic or sociological) aspects of race relations, it complements works like those by Nathan Glazer, Charles Murray, and Walter Williams. It is also timely. Liberal policies and politics unswervingly seek to push us in the direction of what Charles Murray, writing in *Commentary*, has recently identified as "custodial democracy." Bolick's book provides an alternative direction —one far more consonant with the overarching principles that originally inspired the civil-rights movement. It deserves close and serious attention.

Bolick devotes the first half of his book to a thoughtful historical look at the civil-rights movement, tracing its origins to the Republic's foundations. He shows how the modern civil-rights agenda was foreshadowed by abolitionism; the great but incomplete achievements of Reconstruction; and the efforts of Booker T. Washington, W.E.B. Dubois, and the first Justice Harlan during the grim decades of Jim Crow. Bolick chronicles the movement's modern rise and its unparalleled triumphs in *Brown* v. *Board of Education* and the Civil Rights Act of 1964. Nor does he shy away from analyzing a more disquieting chapter of the history of the civil-rights movement. Bolick candidly narrates how civil-rights leaders grew impatient with the pace of progress in race relations and transformed the movement into a powerful engine for driving racial classifications *into* the law rather than keeping them *out* of it. Some may find this history hard to take, but Bolick can't be faulted. He didn't force the change; he just honestly reports it.

The second half of the book looks to the future, offering a new civil-rights program that does not rely on the familiar nostrums of employment and housing quotas, forced busing for public-school children, and "proportional representation" by race in elected offices. Bolick argues instead for market-based solutions to persistent racial problems. His principal thesis is that civil rights must be grounded in natural rights—and, in particular, in the individualist natural-rights theory propounded by John Locke that shaped the American founding. In Bolick's view, the civil-rights movement was most successful when it cut with, not against, the traditional American grain—that is to say, when it remained loyal to the natural-rights ideal. But he contends that the movement has done immense damage—most of all to its intended beneficiaries—by abandoning that ideal and emphasizing the so-called "entitlements" of the racial bloc in place of the rights of the individual.

Bolick argues for a reformed agenda to recapture the natural-rights vision. He argues for programs designed to release individuals from the strangle hold of state regulation that restrains and constrains commercial activity. Such regulation, he contends, serves only to perpetuate poverty, stifle entrepreneurship, and increase criminal

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

activity. Bolick proposes a federal Economic Liberty Act that would prohibit government regulation ("absent strong justifications") of entry into business, professions, and occupations. He also advocates the repeal of minimum-wage laws and favors government assistance to private schools (including deregulating home schools and using vouchers as judicial remedies in desegregation suits), while cautiously questioning laws against the use of drugs. To carry out this ambitious agenda, Bolick would enlist not only the elected branches of government but also the courts: he calls for an "activist" judiciary that would vigorously protect individual rights—notably property and contract rights—against the encroachments of hostile voting majorities.

THERE IS MUCH in this book with which I agree; but there are also areas of considerable disagreement. Thus I disagree with Bolick's overly broad understanding of "civil rights"—a term he wants to preempt for his own uses. He defines "civil rights" as "natural rights"—or more precisely as rights of property and contract. But this leads him to address too many problems relating to the economy, to commerce, and to social welfare at once. There is one clear and compelling, but inherently limited, purpose of civil-rights laws—to eradicate discrimination. It confuses and ultimately tends to defeat that purpose if the same body of legal precepts is invoked to combat, say, urban decay, joblessness, crime, drugs, or poverty. There are a number of overlapping and interrelated causes for each of these calamities. Discrimination is but one part of the explanation—and, thankfully, an increasingly less important part.

Bolick's error, as I see it, resembles that of many whom he criticizes: like them, he looks for a single culprit responsible for all the problems lumped together as civil-rights abuses. Bolick rightly recognizes that discrimination is not responsible for all of them. But it is wrong to argue, as Bolick does, that the responsibility really lies with such things as overregulation of the professions or arbitrary zoning restrictions. To be sure, overregulation helps to explain many societal failures, but it stands alone no more than does discrimination.

Bolick's strong libertarian instincts are largely responsible for his narrow focus. What he fails to appreciate, I think, is that those instincts, if given free rein, would lead to the elimination of virtually every existing antidiscrimination law applicable to private transactions. Title VII of the Civil Rights Act of 1964, for instance, legitimated substantial governmental interference with previously unregulated aspects of the labor market. Similarly, the Fair Housing Act of 1968, and even more so its 1988 amendments, set limits to the free exercise of private (racial and ethnic) preferences in the housing market. Since the freedom to contract obviously includes the freedom—for any number of reasons, including racial antipathy—*not* to contract, a "natural rights" doctrine that emphasizes freedom of contract will find it hard to justify such governmental controls.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A libertarian can, of course, argue that regulation against discrimination is unnecessary—that left to itself, the market will drive out discriminators. (On this, see the interesting recent exchange between Judge Posner and Professor Donohue in volumes 135 and 136 of *The University of Pennsylvania Law Review*, 1986/1987.) The fact is, however, that our antidiscrimination laws were needed as a moral response to a market failure; for whatever reason, the market did *not* work to end employment or housing discrimination against blacks. The sharp disparity between our moral and political ideals and the actual conditions that existed in the absence of government intervention drove Congress and the states to step in and regulate private conduct, seeking (successfully, on the whole) to stop invidious discrimination. We would be ill-advised, in my judgment, to end such regulation—though equally ill-advised to expand it beyond its rightful limits.

IN ANY EVENT, changes in the civil-rights laws should be made by Congress, not the courts. In this connection, I break drastically with Bolick's "natural rights" call for an "activist" judiciary—one that would tilt to the right, not the left, by setting aside majoritarian limitations on economic freedom. Judicial activism of whatever stripe has no place in our legal system. Policy and political decisions should be made by our legislatures, since the Constitution assigns that task to our elected representatives, not to unelected judges. The democratic process works best if allowed to operate with the checks and balances originally prescribed in Article III—with courts acting only as legal umpires, not rule makers.

But notwithstanding these areas of disagreement, let me emphasize that Bolick's book makes a valuable and thoughtful contribution to the debate over civil rights. Now that the legal shackles to minority advancement have been broken and private discrimination is on the wane, the goal, as Bolick argues, should be to reward according to their merits the energy, talent, and strength of character that blacks and other minorities demonstrate by putting them to work in a competitive economy. A truly liberal state, in which the extraordinary richness and diversity of the American people is a source of dynamism and strength rather than of conflict and disunion, was the historic goal of the civil-rights movement. Bolick eloquently reminds us how vital that dream still is.

William Bradford Reynolds was Assistant Attorney General for Civil Rights in the U.S. Department of Justice during the Reagan administration. He also served as Counselor to the Attorney General of the United States from May 1987 through August 1988.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED